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JOURNAL
OF THE
COUNCIL
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF NEBRASKA.

TWELFTH SESSION:

BEGUN AND HELD AT THE CAPITOL IN OMAHA, NEBRASKA,
THURSDAY, JANUARY 10, A. D. 1867.

PUBLISHED BY AUTHORITY.

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of the Legislative Assembly of the Territory of Nebraska

Volume 1

Number 1

January 10, 1867

JOURNAL OF THE COUNCIL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEBRASKA

OF THE

COUNCIL CHAMBER

Thursday, Jan. 10, 1867.

In accordance with the provisions of law, on this 10th day of January, A. D. 1867, the members elected to the Council of the Legislative Assembly for the Territory of Nebraska assembled in the Council Chamber, at the Capitol, in the City of Omaha, at the hour of 2 o'clock P. M., and proceeded to organize for the Twelfth Regular Session of the Assembly held under the Organic Act.

On motion of Mr. Majors of Nemaha, O. B. Hewett was elected Clerk *pro tem*. On motion of Mr. Stewart of Pawnee, W. A. Presson of Richardson was elected President *pro tem*.

Voted that the persons claiming to be elected members deposit their credentials with the Clerk.

The credentials were accordingly deposited.

The election of Committee on Credentials being in order, Messrs. Doom of Cass, Neligh of Cumming, and Wardell of Otoe were nominated and elected.

Voted to take a recess of ten minutes, after which the Council was called to order, and the Committee on Credentials reported that the following named gentlemen appeared to have been duly elected members of the Council from their several Districts, to-wit:—

1st District—Composed of the Counties of Dakota, Dixon, Cedar, and L'Eau-qui-Courtois.

No credentials presented.

THURSDAY, JANUARY 10, 1867.

2d District—Composed of the Counties of Washington, Burt, and Cummings:

J. D. NELIGH,

3d District—Composed of the County of Douglas:

G. W. DOANE and W. BAUMER.

4th District—Composed of the Counties of Sarpy and Dodge:

E. H. ROGERS,

5th District—Composed of the Counties of Platte, Monroe, Hall, Buffalo, Kearny, and Lincoln:

F. K. FREEMAN,

6th District—Composed of Cass County:

LAWSON SHELDON,

7th District—Composed of the Counties of Cass, Lancaster, Saline, Saunders, and Seward:

JAS. E. DOOM.

8th District—Composed of the County of Otoe:

M. S. REEVES and W. W. WARDELL.

9th District—Composed of the County of Nemaha:

T. J. MAJORS,

10th District—Composed of the County of Richardson:

W. A. PRESSON.

11th District—Composed of the Counties of Pawnee, Johnson, Gage, Clay, and Jones:

A. S. STEWART.

On motion of Mr. Doom, a committee of three was appointed, consisting of Messrs. Doom, Reeves, and Stewart, to wait upon the Secretary of the Territory, and inform him that the Council was organized temporarily, and request him to administer the official oath.

The committee reported the Secretary present, and the above-named members were duly sworn.

On motion of Mr. Reeves, Rev. J. M. Taggart, of Otoe, was invited within the bar for the purpose of opening the proceedings of the Council with prayer.

On motion of Mr. Doom, voted to proceed to the election of officers for the permanent organization of the Council.

Mr. Doom nominated E. H. Rogers from Dodge for President.

Mr. Doane nominated M. S. Reeves of Otoe for President.

Messrs. Majors and Baumer were named Tellers.

Upon the ballot for President, Mr. Rogers received eight votes and Mr. Reeves three. Mr. Rogers was thereupon declared duly elected President.

On motion of Mr. Stewart, Messrs. Stewart and Reeves were appointed to conduct the President to the chair.

The election of Chief Clerk being in order,

Mr. Majors of Nemaha nominated O. B. Hewett for Chief Clerk.

Mr. Wardell nominated C. E. Porter of Burt for Chief Clerk.

Messrs. Stewart and Doane were appointed Tellers.

Upon the ballot for Chief Clerk, O. B. Hewett received seven votes and C. E. Porter five. Thereupon Mr. Hewett was declared duly elected Chief Clerk.

Mr. Sheldon nominated L. L. Holbrook of Cass for Assistant Clerk.

Mr. Reeves nominated S. H. Morrison of Otoe for Assistant Clerk.

Upon the ballot, Mr. Holbrook received seven votes and Mr. Morrison received five votes, wherefore Mr. Holbrook was declared duly elected Assistant Clerk.

Nominations for Sergeant-at-Arms being now in order,

E. A. Kirkpatrick and William Carr were nominated.

Mr. Kirkpatrick having received a majority of all the votes cast, was declared duly elected.

Nominations for Doorkeeper being now in order,

Mr. Neligh nominated John Cadman and Mr. Doane nominated William Watson.

Mr. Cadman having received a majority of all the votes cast, was declared duly elected.

Nominations for Fireman being now in order,

Mr. Stewart nominated K. Nelson and Mr. Doane nominated William Watson.

Mr. K. Nelson having received a majority of all the votes cast, was declared duly elected.

Nominations for Pages being now in order,

Mr. Majors nominated Master Willie Haines, Mr. Doane nominated Master Geo. W. P. Medlock, Mr. Reeves nominated Master Chas. Mc. McKoy, and Mr. Freeman nominated Master Joseph Lehman.

On the first ballot, Master Haines received five votes, Master Medlock one, Master McKoy three, and Master Lehman one.

On the second ballot, Master Haines received eight votes and Master McKoy four, whereupon Master Willie Haines was declared elected Page.

Mr. Majors nominated Master Herbert Thayer for Page.

Mr. Baumer nominated Master Geo. W. P. Medlock for Page.

Upon the ballot, Master Thayer received eight votes and Master Medlock four, whereupon Master Thayer was declared duly elected.

Nominations for Chaplain being now in order,

Mr. Presson nominated Rev. W. B. Slaughter of Douglas.

Mr. Doane nominated Rev. W. H. Van Antwerp.

Upon the ballot, Mr. Slaughter received seven votes and Mr. Van Antwerp five, whereupon Mr. Slaughter was declared duly elected Chaplain.

Mr. Presson of Richardson moved the election of Enrolling and Engrossing Clerks.

Motion seconded by Mr. Doane of Douglas.

Mr. Reeves of Otse opposed the motion.

The motion being carried, the Council proceeded to the nomination of Enrolling Clerk.

Mr. Stewart nominated J. J. McLean.

Mr. Doane nominated J. C. Ambrose.

Mr. McLean having received a majority of all the votes cast, was declared duly elected.

Nominations for Engrossing Clerk being now in order,

Mr. Presson nominated J. C. Ambrose.

Mr. Doane nominated Jeremiah McShien.

Upon the ballot, Mr. Ambrose received eight votes and Mr. McShien four.

Mr. Ambrose having received a majority of all the votes cast, was declared duly elected.

Mr. Presson moved that a committee of three be appointed to wait upon the Secretary and request him to administer the oath of office to the officers elected.

The President appointed Messrs. Presson, Majors, and Baumer.

The committee reported the Secretary present, who administered the oath to the officers elect.

Mr. Stewart of Pawnee moved that the Rules of the Tenth Session of the Council govern this body.

Carried.

Mr. Presson moved to adjourn until ten o'clock A. M. to-morrow.

Carried.

FRIDAY, JANUARY 11, 1867.

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COUNCIL CHAMBER,

Friday, January 11, 1867.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called—Absent, Messrs. Baumer and Doane.

Journal read and approved.

Mr. Doom moved that a committee of three be appointed to inform the House of the organization of the Council, which was agreed to.

Messrs. Doom, Wardell, and Majors were appointed.

The committee reported that they had discharged the duty assigned them.

A committee from the House appeared and informed the Council that the House was organized, and ready to proceed to business.

A message from the House reported a committee of three ready to act in conjunction with a committee from the Council to wait upon His Excellency the Governor and inform him that the two Houses were fully organized and ready to receive him in joint convention any communication he may have to make to them.

On motion of Mr. Reeves, a committee of two were appointed, consisting of Messrs. Reeves and Baumer, to act with the committee from the House.

The committee returned and reported that the Governor would be in readiness to communicate in half-an-hour.

Mr. Doom moved to adjourn to meet the House in joint convention until the Message of the Governor is delivered, which was agreed to.

JOINT CONVENTION.

The Convention was called to order by the President of the Council.

Mr. Doane moved that a committee, consisting of three members of the House and two of the Council, be appointed to wait upon the Acting Governor and inform him that the Legislative Assembly in Joint Convention was ready to receive any communication he may be pleased to make, which was agreed to.

Messrs. Doane and Doom of the Council and Messrs. Frost, Harvey, and Graves of the House were appointed said committee.

Whereupon the following Message was received from the Acting Governor by the hands of Mr. Knox, his Private Secretary:

GOVERNOR'S MESSAGE.

*Gentlemen of the Council
and House of Representatives:—*

The duty of submitting to you, at the commencement of your session, the annual communication from the Executive office is devolved upon me by the unavoidable absence of the Chief Executive of the Territory.

Since your last session, a year of unparalleled prosperity has been added to our territorial history. Our people have been peculiarly favored with health; the pestilence which respects neither power nor genius nor social distinction, which visits with mourning the houses of the rich and poor alike, has nowhere made its appearance amongst us; bounteous harvests have rewarded the labors of the husbandman; every pursuit of life, followed with the usual characteristics of good citizenship, has been remunerative; within all our borders, peace and order have prevailed; obedience to the laws has been the rule, and the transgression thereof the rare exception in the life and conduct of our people. For these and innumerable other blessings, unrecounted here, our praise and thank-offerings are due to the Great Ruler of nations and of men, who has sustained and defended us through all the varying scenes and seasons of the year.

I submit herewith the very interesting reports of the Auditor and Treasurer. It will be seen, by reference to the report of the Auditor, that the outstanding indebtedness of the Territory, on the 30th day of November, 1866, was \$85,471.44. The Militia Bond debt—\$36,000—is included in this statement; and as an appropriation has already been made by Congress to pay this debt, principal and interest, together with other miscellaneous claims for the same service, already paid by the Territory, the aggregate amount of which somewhat exceeds the appropriation by Congress; and as the accounts have been fully rendered, and are now being audited at the U. S. Treasury, with the personal attention of Governor Saunders, that amount is very properly placed among the available assets of the Territory as an offset to so much of the territorial indebtedness. The assets will therefore appear as follows:

FRIDAY, JANUARY 11, 1867.

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Cash in the Treasury,	\$ 23,324 56
Taxes for 1866, due and collectable,	69,973 86
Congressional appropriation,	45,000 00
Delinquent taxes,	26,983 24
Total assets,	\$165,281 66
Allowing for possible losses in delinquent taxes,	\$ 10,000
For improbable disallowance of militia accounts by the Auditor of the Treasury,	8,000 \$ 18,000 00

And there remains, of undoubted assets, \$147,281 66
 From which deduct the whole indebtedness, 85,471 44

And there is left an available surplus of \$ 61,810 22

With which to commence the present year. But, as a large proportion of this indebtedness is in bonds which have several years to run, and as it will be impossible to induce bond-holders to surrender them in any considerable amount, there will remain, at the lowest estimate, \$90,000 of available assets, with which to defray the regular and incidental expenses of the territorial government, estimated for the fiscal year, by the Auditor, at \$12,000. This calculation would yet leave a larger amount applicable to the payment of bonds and warrants than was used for that purpose last year. Thus it will be seen that a balance of \$78,000 will remain for internal improvements—admitting, if deemed advisable, of appropriations for the construction of a bridge over the Platte River, for a geological survey of the Territory, and for immigration agencies, under the auspices of the "Board of Immigration," already established. Although liberal appropriations may be made for these worthy objects, it will yet be possible to make a very considerable reduction in the rate of taxation for the ensuing year. Taking the increase in the valuation of property from 1865, when the assessments amounted, in the aggregate, to \$13,563,025, to 1866, when the aggregate reached \$17,835,851 57, as a basis for an estimate for the fiscal year 1867, and it will be readily seen that, although the rate of taxation should be reduced one-fourth, it would yet produce about \$70,000. One of the items of territorial indebtedness is for warrants, many of which were issued during the first three years of the territorial government, and on which, although the principal amounts only to \$16,221 44, the interest is estimated at \$10,000. I submit, for your wise consideration, whether it would not be advisable and just towards all parties interested, to compel the surrender of these warrants on or before the first day of July, 1868, providing by law that, if not surrendered at that time, interest shall stop thereafter on all then outstanding. And I also recommend that the Territorial Treasurer may be authorised and

required to advertise, as soon and as often as practicable, for the surrender of the militia bonds which bear ten per cent. interest, instead of for the seven per cent. bonds, as at present required; to the end that all obligations bearing this heavy rate of interest may be paid as speedily as possible. The seven per cent. bonds may well be permitted to stand until maturity, or, at all events, until all others are paid. I further suggest that the rate of interest on warrants hereafter to be issued may be reduced to seven per cent. I fail to see the necessity of paying ten per cent. interest on the obligations of this Territory, which is not only not in debt, but has a constantly increasing surplus in its treasury, beyond the demands for governmental expenses. I venture the assertion that very few, if any, States or Territories can present so favorable a financial exhibit, yet very few pay so high a rate of interest even as seven per cent. This prosperous state of our finances is indeed a source of pride and satisfaction to the officers of the territorial government, as I am sure it will be to you and all other citizens of the Territory. The bonding of the territorial warrants—a duty devolved upon the Secretary's office by the act of 1860, the rapid increase in the valuation of the taxable property of the Territory, the general system of economy that has characterized the administration of each department of the territorial government, and the wise and careful management of our financial officers—the Auditor and Treasurer, have mainly contributed to this fortunate condition of things.

THE REVISION OF THE LAWS.

The revision of all the general laws now in force, which was perfected at your last session, has been published, all the organized counties of the Territory have been supplied with the number of copies to which they are entitled by law, and there yet remains a sufficient number in the hands of the Territorial Librarian to supply all requisitions from counties hereafter to be organized. To meet this anticipated demand from new counties already in process of organization, and others yet to be carved out of the vast and fertile regions of the interior, which are being rapidly settled by a constantly increasing immigration of industrious pioneers, I ordered from the public printer a much larger edition of the laws than usual. On account of the great bulk of the volume and the increased number of copies required, although the work was done at a greatly reduced rate, the cost of the publication exceeded the fund set apart for that purpose, and it was found to be impossible to publish the regular journals of the eleventh session out of the Congressional appropriation. I therefore recommend an appropriation from the territorial treasury for printing five hundred copies, each, of the journals of that session. Some changes, rendered necessary by clerical errors in the preparation of the manuscript of the revision were made by the reviser, who

superintended its publication; and your attention is respectfully directed to them, that the original rolls in the Secretary's office may receive similar correction, if the changes so made are legalized. With this accomplished, we shall have as perfect and complete a Code of Laws as any State or Territory can boast, in one volume, elegantly printed and bound.

HOMESTEAD.

Under the liberal operations of the Homestead Law, large sections of our Territory have been settled, during the past year, by a class of earnest, thrifty pioneers, whose industry has contributed materially to swell the aggregate of our agricultural productions. The wise economy of this beneficent measure has been nowhere more clearly illustrated than in this Territory. Wherever the lands are subject to location, under this law, the newly made cabin of the homestead settler is found; and it is not an extravagant estimate that another year will find one-twelfth of the population of the Territory on homestead lands, and fully that proportion of our aggregate productions in the granaries of this class of our fellow-citizens. Every acre of ground thus brought under cultivation, every bushel of wheat or corn thus added to the production of the country, is so much gained to the taxable property, which is the basis of the nation's financial strength and independence. How much wiser, then, the economy which gives to productive industry the possession of the national domain free of cost, than that which disposes of it in large tracts to speculators, in whose hands it remains unoccupied and unimproved, a veritable obstacle in the way of the rapid settlement and development of the country.

In view of these considerations, I should most gladly concur with you in memorials to Congress, requesting the passage of laws: First, prohibiting any further issuing of warrants or land scrip, for any purpose whatever, except for the usual endowments to new States, or for internal improvements in the States and Territories where the lands are located. Second, forbidding the location of land warrants or agricultural college scrip on a greater amount than two sections in each township. And, third, withdrawing the Government lands from public sale, and reserving all, except those donated as before mentioned, exclusively for location under the homestead and pre-emption laws.

In this connection, permit me to call your attention to the fact that large tracts of the public lands, in different sections of our Territory, have been withdrawn from the market for the benefit of the Burlington and Missouri Railroad, which has, as yet, no existence in this Territory, except in its general surveys. It seems, indeed, to be a very great hardship to the enterprising settlers in the beautiful valleys of the Nemahas, the Elkhorn, and the Loupe

Fork, that the lands surrounding their homesteads should thus be tied up from actual settlement, for the benefit of a corporation which contemplates the construction of a railroad through a section of country far removed from their homes. I believe I express the sentiment of every citizen in the Territory when I say that all feel a deep interest in the early construction of the Burlington and Missouri Railroad westward through the rich counties south of Platte. Every good citizen, however remote his place of residence from the line of this proposed road, would rejoice in its construction; but I am sure that no one—not even those who are directly involved—will undertake to defend the policy of retiring lands in Richardson, Stanton, and Dakota counties to aid in its construction. It would be infinitely better for the Government, and all parties interested, if Congress would make an appropriation, and pay in money the value of the lands it cannot give them on the line of their road, on account of previous location by settlers, than to permit lands in other sections of the Territory to be taken for this purpose out of the hands of the homestead settlers, who are coming by thousands to locate upon them. In making their selections, under these munificent grants, all companies should be confined to the lands contiguous to their respective lines of road; and no lands should be retired from the market, for long periods of time, to await the construction of roads upon which the work has been nowhere commenced.

I do not doubt that if the evil effects of this baleful system of land grants were properly represented by you in memorials to Congress, some remedies for present evils might be applied; or, at all events, some barriers placed against this rapid absorption of the public domain in the future by railroad monopolists and land speculators. We need every available acre in this Territory, not already given away by the Government for the construction of railroads and agricultural colleges in other States, for our own State endowments, and for the industrious poor, who, from all sections of the Union, and from foreign countries, are coming to secure homesteads amongst us.

I am firm in the belief that if the Union Pacific Railroad, the rapid construction of which has excited the wonder and admiration of the world, could now be induced to exchange the lands obtained under its grants for the bonds of the Government, at a fair price, that the whole country would be benefited by the transaction; provided that every acre thus regained by the Government should be held exclusively for location under a homestead law, which should require every settler to cultivate at least twenty acres of timber on his homestead, the preservation of which for five years should be one of the essential conditions of obtaining the fee-simple of his land.

IMMIGRATION.

A Board of Immigration was duly organized, in accordance with the provisions of the act passed at your last session, for the encouragement of immigration to our Territory. On account of the absence of the Chief Executive, who is *ex officio* a member and the presiding officer of the Board, it will be impossible to give you a full history of its transactions. I am able, however, to inform you that commendable progress in this important work has already been made; pamphlets have been published in both the English and German languages, through which much information concerning the healthfulness of our climate, the character of our soil and its productions, the mineral resources of the Territory, as well as its superior facilities of communication by river navigation, and by railroads already constructed, or in process of construction, have been widely disseminated. This Board, under the law regulating its duties, is required to make an annual report of its proceedings to the Legislative Assembly before the tenth day of its session; that report will furnish you all the information required for an intelligent consideration of this most important subject. In my opinion, however, this law should be so amended as to authorize the appointment of at least four agents, one of whom, at least, should be able to speak fluently the German language, and one the Scandinavian. A liberal appropriation should then be made for the constant employment of these agents during the present year, one of whom should be required to travel through the Western States, another to be permanently stationed at New York, and the remaining two to visit those foreign countries from which we already have the largest representations in our population. With such a system as this, and with an appropriation such as we could well afford to make, on account of the importance of the service, and the prosperous condition of the territorial finances, a very large immigration would certainly be induced. All that is necessary is to make known to those seeking homes in the West the rare inducements presented by Nebraska; and while other States are employing similar agencies, and gaining, thereby, vast accessions to their populations, it is a palpable dereliction of duty for us to neglect the presentation of competing influences in behalf of our own Territory. True, our population has increased unprecedentedly during the past year; but, although this has been the case, the want of laborers in the various branches of mechanical industry, and in agricultural employments, has so greatly exceeded the supply, that labor has commanded more liberal rewards here than have been realized in any other section of the country. To devise means for meeting this constantly increasing demand for muscle to develop the great resources of our Territory, through a liberal system of immigration agencies, is, perhaps, the most important duty of legislation devolving upon you, and I assure you that whatever measures

may seem best calculated to promote this much desired object will receive the most hearty concurrence of the Executive.

GEOLOGICAL SURVEY.

Another present and most urgent want is a Geological Survey. No argument is now necessary to convince you of the necessity of immediate action on this subject. You will all unite with me in declaring that another year must not be permitted to pass without giving to us the results of a careful and thorough geological examination of this entire Territory. And I now propose to you that Nebraska shall take hold of this measure, without another word of prayer to the National Congress for aid from the already depleted Treasury of the Nation, and order a Geological Survey at once, on her own account. This course will best comport with true dignity and independence, and with our duty to our fellow-citizens and the country. I have before demonstrated our ability to do this, and not a moment of unnecessary delay in preparing for the work should be allowed.

PLATTE RIVER BRIDGE.

The construction of a bridge over the Platte River is a much needed improvement. The crossing of this stream, always difficult, is at certain seasons of the year an utter impossibility, and communication between two great sections of the Territory is for this reason extremely limited. A journey to the Territorial Capital from some of the most populous counties south of the Platte is considered quite as difficult to perform, on account of the dangers and delays in crossing the Platte, as one to St. Louis—five hundred miles distant, and from the North Platte the journey to Chicago is quite as cheerfully undertaken as one across the Platte into the rich grain-growing districts below it. Such an obstacle to commercial intercourse between the two sections should be immediately removed, if it is in the power of the people to do it. It is not at all strange that with such a barrier in the way of travel and of commerce, the people of both sections should not only lose their active sympathy for and interest in each other, but that they should be easily led into misunderstandings, into jealousies, rivalries, and strife. The whole Territory would be inconceivably benefited by this improvement. The people have it in their power to accomplish it without an additional dollar of taxation; and, I think, we may during this session, very easily and very properly, fix the day for the celebration of the union of the two sections by a good and substantial free bridge over the Platte. I urge upon you, therefore, the early consideration of this important subject, with the assurance that you will have the hearty concurrence of the Executive in any well considered measure which will result in securing this great improvement to

the Territory. In my opinion this bridge should be free to all who may desire to use it. If we were obliged to borrow money for its construction, thereby entailing a debt upon the Territory with annual payment of interest, the case would be different; but, having the money in hand, and knowing, as we do, that the interests of all sections are involved, I think there can be no good reason offered against a free bridge. The revenues from Government toll bridges are not infrequently less than the expense of collection; and a bridge over the Platte, at best, could not be expected to yield any considerable revenue; but even if it was sure to do so, it would be more in consonance with the liberal and progressive spirit of our people to make it free to all.

THE UNION PACIFIC RAILROAD.

During the past year, the construction of the Union Pacific Railroad has progressed with unparalleled rapidity. A year ago, the utmost limit it was supposed the track would reach on the 1st of January, 1867, was Fort Kearny, 190 miles west of Omaha. That point was reached on the 1st of September, and now four regular trains run daily between Omaha and North Platte Station—a distance of 293½ miles from the initial point; and the track is complete to the 305th mile post. The total number of miles of main track laid during the year past is 262 miles. A distance of about 240 miles of roadway was constructed the past season, including a Howe Truss bridge, 1,505 feet in length, across the Loup Fork, and a pile bridge of 2,640 feet across the North Fork of the Platte. Three hundred and five miles of the main line have been accepted by the Government Commissioners, who reported it as thoroughly constructed and equipped with all necessary turnouts, buildings, rolling stock, &c., of a first-class road. Beyond the end of the track, the roadway is graded 25 miles, under contract for grading to Julesburg, and definitely located to the foot of the mountains.

During the present year the road will be built with equal rapidity until it reaches the mountains, where the increased amount of labor required to prepare the roadway will doubtless retard construction. This, however, will be in part overcome by placing a large force of work in the mountains in the early spring.

This statement is taken from the official records of the company, and is therefore perfectly authentic and reliable. It is cause for infinite gratulation to every American citizen, that this great enterprise, which is to unite two oceans, and over which is to pass the commerce of two hemispheres, is so rapidly approaching completion. To our own Territory it must prove an inexhaustible mine of wealth. It is the trunk of a railway system, which is to send branches into all the beautiful valleys of Nebraska, through which pass the tributaries of the Platte and the Missouri. The great valley of the

Missouri itself will have its connecting lines extending northward, through the fertile districts of Washington, Burt, Dixon, Cedar and Leauquicourt counties, and southward through the rich and populous counties of Cass, Otoe, Nemaha, and Richardson. Such brilliant railway prospects have very rarely, if ever, presented themselves to the people of a new State or Territory. Nebraska has a singularly bright and prosperous future opened before her. Nature has marked this spot, equi-distant from the two great Oceans, as the pivotal center of the railway system of America. God grant that the union Pacific Railroad, which is the true base of all this prosperity, may be speedily completed to the Pacific! May it form an additional bond of union to the States, a never failing source of pride, of glory, and of strength to the Nation, and an equal source of pride and profit to the brave and energetic gentlemen who are engaged in its construction.

EDUCATION.

Large and influential conventions, composed of representatives of the friends of education from different sections of the Territory, have recently been held, to consider the best means of conserving this most important interest. The result of their deliberations will be presented to you, and I do not doubt it will aid you in an intelligent performance of your duty in this regard. I shall gladly concur with you in any measure which the friends of education throughout the Territory may consider best calculated to render the present school system more effective. In this connection I ask your attention to the suggestion of the Territorial Treasurer, that some change should be made in the school law which would insure a better system of accounting for school funds from the County Treasurers to the Territorial Treasurer, and a better rule for the distribution thereof than now exists.

STATE GOVERNMENT.

The question of State Government, which was voted upon by the people of the Territory during the past year, is now in the hands of the National Congress. It is impossible to form an intelligent opinion as to what may be the result of Congressional action upon this subject. Whatever may be the fate of the present measure, I do not doubt that the change would be greatly to the advantage of the people, and that a majority of the people entertain the same sentiment. I shall not now undertake to review the arguments which have been so fully presented to the people heretofore.

If it shall appear to you, at any time during your session, that the present application for admission is to fail, I shall gladly concur with you in a memorial asking for an Enabling Act, under which a Constitution may be framed and submitted to the people of the Territory during the coming season.

IMPARTIAL SUFFRAGE.

I should hail with joy a radical change in the rule of suffrage, which would give the franchise to intelligence and patriotism wherever found, regardless of the color of its possessor. He who can read understandingly the Constitution of his country, and he who has fought in its defense, of whatever race or color, should have a voice in the choice of the Nation's rulers. I should therefore cheerfully concur with you in a memorial to Congress, praying for an amendment of our organic law, in accordance with this view. No change, however, should be made which would take the franchise from any person who now enjoys it under existing laws.

PEACE AND UNION.

Unhappily, the Nation has not yet experienced the full fruition of perfect peace. True, the armies of rebellion were long since disbanded, and the old flag floats over all—the same glorious ensign of one Government and one Union; but fraternal love does not return to the people of the two sections so recently arrayed against each other in civil strife. The kind offices of the peacemaker avail not, and the olive-branch is cast aside, a withered and useless thing. How can our beloved country be re-united in fact as well as in form? How can the Union be securely re-established in the hearts and affections of the people of all sections?—for the patriotic love of the people is the soul of the Union, its preservation is essential to the very life of the Nation itself. I do not think this can be done by indulging the spirit of crimination and recrimination for the errors, the weakness, or the crimes of the past. I do not believe it can be done by depriving eleven States of loyal representation in the National Congress, when representation is the very germ and essence of union. It certainly cannot be done by extreme and irritating demands on the one side which are sure to be followed by increased contumacy on the other. I fear it will never be done by Constitutional amendments containing what are considered impossible requirements by those most deeply interested. But, in whatever way it is to be done, it must be done speedily. Evils, disasters, and ruin wait not for the termination of prolonged contentions in a house divided against itself. The energies, the productive industry of the South are paralyzed by the incertitude of its political situation. This unsettled condition of affairs not only intensifies the feeling of hatred for the Government and for the Union there, but it seriously affects the commercial prosperity of the whole country. Every motive of patriotism and every consideration of political economy demands an immediate termination of this unhappy condition of things. If the Constitutional amendment will not only not accomplish this, but if, on the contrary, it

threatens to perpetuate hatreds, strife, and discord, it should be abandoned at once, whatever sacrifices of cherished political dogmas or partisan prejudices are involved. However wise, just, and necessary the guaranties sought to be obtained by this amendment may now appear to be, if they can only be secured by the entailment upon the Union of the eternal hostility of eleven States, they will certainly prove a source of sorrow and trouble to the Nation. Only that which will win back the hearts of the southern people will give stability and enduring peace to the Republic. If the Constitutional amendment will do this, and do it speedily, I will cheerfully unite with you in giving to it a cordial and earnest endorsement.

In conclusion, permit me to assure you that I shall most earnestly co-operate with you in every endeavor to promote the varied interests of our Territory. Whatever measures may commend themselves to your wisdom and judgment, as best calculated to promote the general welfare, will receive my most cordial approval.

Permit me to wish you a pleasant sojourn at the Territorial Capital, and after the labors of the session are terminated, a happy return in safety and in health to your families and friends.

ALGERNON S. PADDOCK.

TERRITORIAL TREASURER'S REPORT.

OFFICE OF TERRITORIAL TREASURER,

OMAHA, N. T., January 1st, 1867.

HIS EXCELLENCY, A. S. PADDOCK, Acting Governor of Nebraska.

Dear Sir—In accordance with the law, I have the honor to submit, herewith to the Legislative Assembly, a report of the operations of my office for the fiscal year ending November 30th, 1866.

The condition of the Treasury is highly satisfactory, and suggests the expediency of using the funds which now promise to accumulate in my hands in the extinguishment of our Territorial debt.

The bidding for the surrender of 7 per cent. bonds in February last was not at all spirited, and resulted; as in years past, in obtaining a rate of discount but slightly under par. The amount surrendered was \$2,950, at a discount of \$70,25, something less than 2½ per cent.

The General Government has by enactment reimbursed the Territory for the expenditures represented in our ten per cent. militia bonds, and as it is very probable that these bonds will soon be paid into the Treasury, the question will be presented to the Legislature of disposing of them to the best advantage. Financial wisdom would suggest, and it also seems peculiarly fit and proper that these bonds should be used in the extinguishment of the debt they represent.

I would recommend this course, and believing that annual advertisements for proposals for the surrender of bonds at par or under would not conduce to the desired result, as the periods intervening are too long, I would suggest instead that so soon as the funds are received, the Treasurer be directed to advertise in the Territorial papers, and also in one or more papers in New York City, that he is prepared to redeem the bonds at par and interest, provided they are presented within a specified period.

Upon an easy money market, it is not probable that many of the bonds would be surrendered upon these terms, being held by capitalists as a good investment; but upon a stringent market, which we all know usually occurs more than once during the course of a year, it is highly probable that our bondholders would realize upon their bonds at par, if in their power, and at such times we might be able to retire the greater portion of them.

The same course would also seem proper with our seven per cent. bonds, for the redemption of which our present sinking fund was created. The condition of this fund is as follows:

Sinking fund on hand,	\$14,210 72
Levy of 1866 to be collected,	26,753 78
Total,	\$40,964 50
Amount of 7 $\frac{1}{2}$ pc. bonds outstanding,	\$20,550 00
Estimated interest on the same,	1,500 00
10 $\frac{1}{2}$ pc. bonds,	3,700 00
Excess of fund,	\$15,214 50

It thus appears that during the current year, the Treasury will be in a condition to redeem from the proper fund the whole of this class of obligations. A considerable amount of the bonds may be surrendered at the bidding of next month. I would recommend that so soon as in funds, the Treasurer be directed to advertise for the surrender of the remainder at par and interest, in the same manner as indicated for the ten per cent. bonds.

The balance of our Territorial debt is represented in Auditor's warrants, bearing ten per cent. interest, and payable out of the general fund. The condition of this fund is as follows:

FRIDAY, JANUARY 11, 1867

General fund on hand,	\$9,113 84
Levy of 1866 to be collected,	44,589 62
Total,	\$53,703 47
Warrants outstanding,	\$16,221 44
Estimated interest,	10,000 00
Estimated expenditure current year,	12,000 00
	\$38,221 44

Excess of fund,

\$15,482 02

This statement shows that warrants may also all be redeemed the present year. During a greater portion of the past year I have paid warrants whenever presented, and a large amount has been cancelled; but I believe it will now be necessary for the Legislature to adopt some measure to force their surrender, which can be legally done without violating in the slightest manner the rights of our creditors. The Legislature can enact, that, after a reasonable future period, say one year or less—interest shall cease on all Treasury warrants.

The remaining subject to which it is my duty to call your attention is the condition of the school fund, and I regret to state that on account of the imperfection of the law providing for its disbursement, it is entirely out of my power to furnish any information in regard to it. The apportionment is regularly made by the Treasurer, as required by law; but this seems a mere form. As the law authorizes the County Treasurers to retain their pro rata of funds collected on this account, it follows that nothing is ever paid into the Treasury. The County Treasurers make no report to the Territorial officers of the disbursement of the fund, and therefore so far as official information goes, the whole of the school fund for years past may yet be in the hands of the County Treasurers. The law requires them to make report in detail to the Auditor, but either no occasion for the report occurs, or it is found impracticable to make it—at all events no reports are received.

There is no subject which so much demands the serious consideration of the Legislature as this. Next to the faithful performance of a State's obligations to its creditors, nothing is a source of such great pride to its people as the having of an efficient public school system. Many of our citizens are at this time taking an active interest in the matter, and their combined wisdom in convention, which I understand will shortly assemble, will probably place before the Legislature before its adjournment the glaring deficiencies of our present system, and propose such changes as experience has proven in other States the most effective for the end desired.

One thing, however, is evident—the school fund should be paid into the Treasury, and disbursed under the regulations of the Legislature, by the

Auditor, as all other funds are disbursed. It is only in this way that we can preserve a record of its transactions, and furnish satisfactory statistics.

The following is a statement of the operations of this office from the date of my last report to the end of the fiscal year November 30th, 1866:

GENERAL FUND.

RECEIPTS.

From committee on account of taxes, \$35,198 87

DISBURSEMENTS.

Warrants rendered, \$19,959 52

Interest on same, 4,300 91

Certificates rendered, 197 63

Refunded Cedar Co., for taxes paid in error, 66 60

Overdrawn by last report, 1,560 37

Balance on hand, \$26,085 03

Balance on hand, \$9,113 83

SINKING FUND.

RECEIPTS.

On hand last report, \$3,804 58

From Counties for Taxes, 18,482 48

Discount on Bonds surrendered, 70 25

Total, \$22,356 31

DISBURSEMENTS.

Warrants for collecting revenue, \$69 30

Interest paid on 7³⁰ c. bonds, 1,587 29

Interest paid on 10⁰⁰ c. bonds, 3,500 00

Bonds surrendered, 2,950 00

Taxes refunded Cedar Co., paid in error, 40 00

Balance on hand, \$8,146 56

Balance on hand, \$14,210 72

Respectfully submitted,

A. KOUNTZE, Treasurer.

REPORT OF THE AUDITOR AND SCHOOL COMMISSIONER,

AND JAN. 1867

PRINTED BY

OFFICE OF TERRITORIAL AUDITOR AND SCHOOL COMMISSIONER,

OMAHA, N. T., December, 1866,

To the Honorable, the Legislative Assembly of the Territory of Nebraska:

I have the honor to present my Annual Report showing the operations of this department of our Territorial Government for the fiscal year ending November 30th, 1866:

It affords me great pleasure to present such a favorable report of the finances of our Territory. It will be seen that if we succeed in getting the forty-five thousand dollars from Government, reimbursing the Territory on account of militia expenses, with the cash in hand, the taxes due for 1866, and the delinquent taxes due from the several counties, that we will be able to pay off an outstanding indebtedness and have a large balance in the Treasury.

I will state that a full abstract of expenses incurred by the Territory on account of militia expenses, has been forwarded to Washington, and the accounts are now being adjusted.

Statement "A" exhibits the receipts and disbursements up to date of report, viz. November 30th, 1866.

Statement "B" exhibits the amounts of warrants drawn, and indebtedness created through the Auditor's office for the fiscal year.

Statement "C" exhibits the whole amount of liabilities and resources of the Territory. In the statement of resources I have included the amount of forty-five thousand dollars appropriated by the Government at its last session to the Territory, on account of militia expenses.

Statement "D" exhibits the whole amount received from the several counties on account of taxes for the several years, with amounts of penalty and interest collected.

Statement "E" exhibits the amount of the principal of taxes yet due the Territory from the several counties, on account of the several years from 1857 to 1866.

Statement "F" exhibits a full abstract of assessment in the Territory for the year 1866, as returned to this Office.

Statement "G" exhibits a comparison of the assessments in the Territory from 1859 to 1866, showing an advance in material wealth. It will be seen that the valuation of 1865 was \$13,563,025.00 whilst that of 1866 is \$17,835,881.57, showing an increase over the previous year of \$4,272,856.57—not including railroad capital, which is, at present, an item of considerable magnitude in the Territory.

With a view to the financial condition of our Territory, and the large influx of emigration constantly arriving, and the large amount of lands being entered—and thereby subject to taxation—it will justify the "Territorial Board of Equalization," in my judgment, to reduce the rate levied for Territorial tax; unless the Legislature deem it expedient to engage in the building of public improvements. I would suggest an appropriation to finish the Representative Hall in the Capitol, and to put railing around the stairway; also to finish up the smaller rooms necessary for the accommodation of committees, &c.

ESTIMATE OF APPROPRIATIONS FOR THE ENSUING YEAR.

For Salary of Auditor,	\$1,000 00
Treasurer,	400 00
Adjt-Gen.,	300 00
Librarian,	400 00
Legislative Expenses,	2,000 00
Office Expenses, Auditor's Office, Fuel, Stationery, Postage, &c.,	200 00
" " Treasurer's " " " " " "	100 00
" " Librarian's " " " " " "	200 00
Revenue books and Blanks,	2,000 00
Procuring lists of Land Entered,	200 00
Executive Department,	400 00
Penitentiary Expenses,	2,000 00
Insane,	2,500 00
Incidental Auditor's Office,	100 00
Desk for Auditor's Office,	25 00

\$11,925 00

I have overdrawn the appropriation for Insane, for the year 1866, five hundred and sixty-nine 57/100 dollars. We have sent to the Iowa Hospital six patients, at an average cost of \$213 each; besides the quarterly accounts rendered by the Superintendent for board and clothing, the account for the fourth quarter has not been received at this office, which will be about six hundred dollars to be provided for. The several accounts have been approved by the Governor, and warrants issued in accordance with the same.

FRIDAY, JANUARY 11, 1867.

I have made my estimate for the year 1867 at \$2,500, believing it will be sufficient, as most of the patients in the Territory have been sent the present year.

I have settled with Mr. A. Dellone in charge of Territorial prisoners, for the maintenance of the same, to include the 20th day of September, 1866, in accordance with Section 303, "Criminal Code," there being no general appropriation made for the year 1866; I would respectfully request that you fix, by law, a stipulated price per week, or day, to be paid by the Auditor, for the board of convicts, and that you make the appropriation of \$2,000 asked for in my estimate that I may draw on the same quarterly—thereby relieving the Auditor of unnecessary embarrassment.

I would recommend that you abolish the *duplicate* Tax Receipt, as now required by law, and that the stub of the receipt take the place of a duplicate. The issuing of a duplicate receipt is superfluous, and the abolishing of the same will be an item of saving to the Territory. I would also recommend that the *duplicate* Cash Book, as required by law to be kept by the County Clerk, be abolished as unnecessary. The printing of the same is quite an item of expense.

I would suggest that the Auditor be authorized to confer with other States and procure the best forms for books and blanks pertaining to the collection of our revenue. I believe it would be a great advantage to our revenue officers to have our cumbersome forms exchanged for those more simple, and most adapted to our growing wants. This can be done by conferring with, and having the benefit of, the experience of older States in the collection of their revenue funds.

INSURANCE DEPARTMENT

The following named Companies have filed statements in this Office and received "Certificates of Authority" to transact business in this Territory, in accordance with the laws of Nebraska relative to Insurance Companies:

STATEMENTS FILED IN THE AUDITOR'S OFFICE.

Phoenix Insurance Company, Hartford, Conn.

AGENTS:

David H. McLaughlin, Brownville, N. T. D. H. Wheeler, Plattsmouth, N. T.
James Sweet, Nebraska City, " H. T. Clarke & Bro., Bellevue, "
Stuck & Yost, Omaha, N. T.

Arctic Insurance Company, of New York.

AGENTS.

Hamilton & Murphy, Omaha, N. T.

Home Insurance Company, of New York.

AGENTS.

N. S. Harding, Nebraska City, N. T. J. L. Carson, Brownville, N. T.
J. H. Kellom, Omaha, J. N. Wise, Plattsmouth, "

Aetna Insurance Company, of Hartford, Conn.

AGENTS.

Chas. G. Dorsey, Brownville, N. T. Frank Murphy, Omaha, N. T.
D. R. Hall, Falls City, D. H. Wheeler, Plattsmouth, "
James Sweet, Nebraska City, " C. H. Gere, Pawnee City, "

American Insurance Company, of Freeport, Ill.

AGENTS.

J. L. Lovett, Asst.-Gen. Agent, Columbus, N. T.
Fire and Tornado Insurance Company, of Freeport, Ill.

AGENT.

John T. Campbell, General Agent for Nebraska.

Hartford Fire Insurance Company, of Hartford, Conn.

AGENTS.

J. H. Kellom, Omaha, N. T. J. S. Carson, Brownville, N. T.
John M. Maxon, Nebraska City, " D. H. Wheeler, Plattsmouth, "

Farmers' & Merchants' Insurance Company, of Quincy, Ill.

AGENT.

Charles T. Whitmore, General Agent, Omaha, Nebraska.

Underwriter's Agency, of New York.

AGENTS.

Stuck & Yost, Omaha, N. T. J. N. Wise, Plattsmouth, N. T.
Julian Medcalf, Nebraska City, N. T.

Metropolitan Insurance Company, of New York.

AGENT.

A. J. Harding, Nebraska City, Nebraska.

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International Insurance Company of New York.

AGENT.

A. J. Harding, Nebraska City, Nebraska.

Pioneer Mutual Insurance Company, of St. Louis, Mo.

_____, General Agent for Nebraska.

Humboldt Insurance Company, of New York.

AGENT.

John C. Hall, Agent, Omaha, Nebraska.

Illinois Central Insurance Company, of Decatur, Ill.

Fred. W. Barrington, Agent at Plattsmouth, Nebraska.

Connecticut Fire Insurance Company, of Hartford, Conn.

AGENT.

John H. Kellom, Agent at Omaha, Nebraska.

Northwestern Insurance Company, of Decorah, Iowa.

AGENTS.

John Mosher, Assistant General Agent for Nebraska.

Cooper & Hays, Omaha, N. T. Mathis & Son, Plattsmouth, N. T.

T. K. Freeman, Kearney City, " D. W. Rowles, Bellevue, "

Lorillard Fire Insurance Company, of Milwaukee, Wis.

AGENT. T. M. Adams, Agent at Omaha, Nebraska.

John H. Kellom, Agent at Omaha, Nebraska.

Northwestern Mutual Life Insurance Co., of New York.

AGENTS.

John B. Croxton, Nebraska City, N. T. Wm. L. Thomas, Plattsmouth, N. T.

M. B. Knowles, Omaha, N. T.

The Accident Insurance Company, of Columbus, Ohio.

AGENTS.

E. H. Rogers, Fremont, N. T. Wm. W. Wardell, Neb. City, N. T.

E. H. Cooper, Omaha, " C. A. Sperce, Columbus, "

John W. Marshall, Plattsmouth, " Brockmire, Brownville, "

Equitable Life Insurance Company, of New York.

Its agents will insure property and will necessarily interest all
 AGENT.

John H. Kellom, Agent at Omaha, Nebraska.

Phoenix Fire Insurance Company, of New York.

Hamilton & Murphy, Omaha, N. T. A. J. Harding, Nebraska City, N. T.

Manhattan Insurance Company, of New York.

AGENTS.

Hamilton & Murphy, Agents at Omaha, Nebraska.

Security Fire Insurance Company, of New York.

AGENT.

William J. Hamilton, Agent at Omaha, Nebraska.

SCHOOL DEPARTMENT.

The following named Counties have made partial returns to this office of the workings of the School Department, some of which merely report the enumeration of youth, viz., Cedar, Cummings, Dixon, Dakota, Dodge, Gage, Johnson, Merrick, Otoe, Pawnee, Richardson, Sarpy, and Washington. I find it very difficult to obtain a full report of schools through the County Clerks of the several Counties. The main cause of failure is the unsatisfactory distribution of our school fund. It should be paid into the Territorial Treasury and there apportioned to the several Counties upon the ratio of youth reported, making the distribution of school funds dependent upon the promptness of returns, and attendance upon schools.

Owing to the fact that an adjourned convention of the friends of school interest, throughout the Territory, meets in Omaha previous to the convening of the Legislature, to confer with your honorable body relative to the interests of our public schools, I will make no suggestion, but hope that a better understanding, and more complete plan of organization will be effected to carry out and secure the development of our public schools.

With a proper and judicious care of our School Lands we can have the best permanent School Fund of any State in the Northwest—a fund that can be made inexhaustible. The disposition of our school lands is a matter that

FRIDAY, JANUARY 11, 1867.

will be left to the people after we have assumed a State government—the School Lands being public property and will necessarily interest all.

I will however recommend that an appropriation of five hundred dollars be made for the printing of school blanks to be furnished each County from this office. It will materially simplify, as well as systematize, the duties of the several officers as contemplated in the law.

Respectfully submitted,

JOHN GILLESPIE,
Territorial Auditor and School Commissioner.

STATEMENT "A."

GENERAL FUND RECEIPTS.

Receipts from Counties, \$35,198 89

DISBURSEMENTS.

Auditor's warrants redeemed,	\$19,959 52	
Interest on same,	14,300 91	
Certificates redeemed,	197 63	
Taxes refunded Cedar Co. for year 1866,	66 60	
Overdrawn last report,	1,560 37	\$26,085 03
Balance on hand,		\$ 9,113 84

SINKING FUND RECEIPTS.

On hand last report,	\$3,804 58
Receipts from Counties,	18,482 48
Discount on Bonds redeemed,	70 25
	\$22,357 31

DISBURSEMENTS.

Bonds redeemed,	\$ 2,950 00
Interest paid on 7 % Bonds,	1,587 29
" " " 10 % "	3,500 00
Warrants redeemed,	69 30
Taxes refunded Cedar Co. for 1865,	40 00
	\$ 8,146 59
Balance on hand,	\$14,210 72

STATEMENT "B."

Accounts allowed and warrants drawn since the date of last report, December 21st, 1865, to November 30th, 1866, inclusive:

By WILLIAM E. HARVEY, Auditor.

From December 20th to December 31st, 1865 (inclusive.)

Revenue Expenses—
 A. E. Harvey, Enrolling Clerk of the House, \$127 87
 Philip Johnson, Chairman of the Council, 38 05
 George M. Black, Enrolling Clerk of the House, 65 72

General Fund,
Sinking Fund,
 Albert V. Knapp, Page of the Council, 100 00
 Thomas Johnson, Page of the House, 100 00

Salary Expenses—
 Territorial Librarian, 100 00
 Adjutant General, 75 00
 Auditor and School Commissioner, 110 00
 Territorial Treasurer, 200 00

Armory Expenses—
 E. Patterson, for assisting in organizing the militia, 4 75
 John Gillette, for assisting in organizing the militia, 4 75

Library Expenses—
 Robert S. Knox, for services in organizing the library, 88 10
 Robert S. Knox, for services in organizing the library, 88 10

Office Expenses—
 A. Kountze, for services in organizing the office, 7 00
 W. E. Harvey, 16 50
 W. E. Harvey, 39 50
 Barkalow & Bro's, 21 50
 W. E. Harvey, 1 83 \$ 86 33

Books and Blanks, Revenue—
 Henry L. Harvey, \$357 85
 Porter & Deuel, 57 07
 L. C. Coroles, 381 00 \$796 52

General Fund—
 W. E. Harvey, 374 12 \$1,950 54
 W. E. Harvey, 14 00

By JOHN GILLESPIE, Auditor,
 From January 1st, to November 30th, 1866 (inclusive.)

On Account of Legislative Expenses.
 William E. Harvey, Chief Clerk of the Council, \$ 200 00
 George May, Chief Clerk of the House, 200 00
 A. H. Burke, Engrossing Clerk of the Council, 160 00
 S. F. Burch, Engrossing Clerk of the House, 160 00
 O. T. B. Williams, Enrolling Clerk of the Council, 160 00

A. F. Harvey, Enrolling Clerk of the House,	160 00
Philo Judson, Fireman of the Council,	120 00
George Medlock, Fireman of the House,	120 00
Ernest Stang, Page of the Council,	75 00
Albert VanCamp, Page of the Council,	75 00
Thomas Johnson, Page of the House,	75 00
D. Meyer, Page of the House,	75 00
Rev. Henry W. Kuhns, Chaplain of the Council,	60 00
Rev. Wm. H. VanAntwerp, Chaplain of the House,	60 00
Henry P. Ducl, Ass't Enrolling Clerk of the Council,	160 00
E. Estabrook, for assisting Revising Committee,	200 00
John Gillespie, Ass't Engrossing Clerk of the Council,	76 00
Samuel Coe, Ass't Engrossing Clerk of the Council,	78 00
M. McCoy, Ass't Engrossing Clerk of the Council,	60 00
Charles P. Burkett, As't Engrossing Clerk of the House	60 00
Christian Lusk, Sergeant-at-Arms, for services in attending committee,	18 00
Extra help, under the certificates of Com. of Enrolling,	75 00
Conrad Schaffer, for translating the Governor's Message to German,	150 00
<i>On Account of Salaries.</i>	
\$ 2,407 00	

John Gillespie, salary as Auditor and School Commissioner,	\$900 00
John Gillespie increase of pay after July 1st, 1866 (per revised statutes),	50 00
Territorial warrant No. 3 "C," General Fund,	75 00
" " " 38 " "	75 00
" " " 40 " "	75 00
" " " 41 " "	100 00
" " " 69 " "	50 00
" " " 80 " "	75 00
" " " 90 " "	75 00
" " " 97 " "	75 00
" " " 108 " "	75 00
" " " 128 " "	200 00
" " " 149 " "	74 00
\$949 00	
Unexpended balance,	\$ 100 00

Augustus Kountze salary as Terr'l Treasurer,									
Territorial warrant No. 100 "C," general fund	200	00							
" " " 142 " " " "	200	00	400	00					
Robt. S. Knox salary as Adjutant General,									
Territorial warrant No. 84 "C," general fund	150	00							
" " " 143 " " " "	150	00	300	00					
Robert S. Knox, salary as Librarian,									
Territorial warrant No. 85 "C," general fund	200	00							
" " " 144 " " " "	200	00	400	00	\$2,049	00			
<i>Executive Department</i>									
William Rowitzer, Ter'l warrant No. 79 "C," general fund	288	20							
Alvin Saunders, " " " 95 " " "	30	16							
H. D. Hathaway, " " " 96 " " "	15	00							
G. H. Gere, " " " 153 " " "	55	00							
St. A. D. Balcombe, " " " 152 " " "	12	00	369	36					

On Account of Armory Expenses.

Robert S. Knox, Territorial warrant No. 81 "C," general fund,	9	75							
<i>On Account of Immigration.</i>									
<i>"An act to create a board of Immigration, and to encourage immigration to Nebraska,"</i>									
Thomas L. Griffey, Treasurer, Territorial warrant No. 78 "C," general fund,	2,000	00							

On Account of Militia Expenses.

Noble R. Hays, Ter'l warrant No. 30 "C," general fund	\$300	00							
Wm. Shellinger, " " " 50 " " "	13	00							
William Rattan, " " " 51 " " "	186	25							
Levi Anthony, " " " 53 " " "	30	00							
Jacob Shaw, " " " 54 " " "	15	00							
Albert Tawle, " " " 55 " " "	5	00							
O. P. Mason, " " " 59 " " "	18	75							
O. P. Mason, " " " 60 " " "	16	60							
W. J. Dunn, " " " 62 " " "	402	00							
Charles Buss, " " " 63 " " "	450	00							
A. G. White and W. H. Raper, " " " 64 " " "	75	00							
Samuel Dimmick, " " " 70 " " "	45	00							
William F. Fowler, " " " 89 " " "	50	00							

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Porter & Deuel, Ter'l War'nt No. 93 "C", Gen. Fund,	12	50	
B. F. Furguson, " " " 127 " " "	100	00	
James H. Barlow, " " " 152 " " "	150	00	
M. J. Mumford, " " " 156 " " "	15	00	
D. J. McCann, " " " 157 " " "	200	00	\$2,048.10

Library Expenses.

William F. Kiter, Ter'l Warrant No. 52 "C" general fund	32	00	
William H. Vischer, " " " 72 " " "	11	75	
Robert S. Knox, " " " 82 " " "	17	35	
G. V. Bunker, " " " 150 " " "	16	00	
R. S. Knox, " " " 154 " " "	99	00	
R. S. Knox, " " " 155 " " "	9	35	185.45

Unexpended balance, \$36.55

Revenue Books and Blanks.

L. C. Cowels, Territorial warrant No. 35 "C", genl fund,	155	55	
Carter, Hussey & Curl, " " " 88 " " "	475	70	
Carter, Hussey & Curl, " " " 94 " " "	25	40	
John Gillespie, " " " 99 " " "	10	95	
Balcombe & Co., " " " 102 " " "	286	00	
St. A. D. Balcombe, " " " 104 " " "	21	00	
St. A. D. Balcombe, " " " 151 " " "	35	00	1,409.60
Unexpended balance,	\$90	40	

OFFICE EXPENSES.

<i>Auditors Office</i> —			
Territorial warrant No. 26 "C" general fund,	55	81	
" " " 29 " " "	5	00	
" " " 39 " " "	19	19	
" " " 48 " " "	20	00	
" " " 56 " " "	25	00	
" " " 57 " " "	25	00	

<i>Treasurer's Office</i> —			
Territorial warrant No. 101 "C" general fund,	50	00	200.00

On Account of Adjutant General's Office.

R. S. Knox, Territorial warrant No. 83 "C" general fund,	21	25	
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Penitentiary Expenses for 1865.

Thomas L. Sutton, Territorial warrant No. 42 "C" gen. fund,	47	50	
Thomas L. Sutton, " " " " 43 " " "	100	00	
Thomas L. Sutton, " " " " 44 " " "	154	00	
Thomas L. Sutton, " " " " 45 " " "	120	00	
Andrew Dellone, " " " " 25 " " "	22	50	444 00
Unexpended balance,		50	

Penitentiary Expenses for 1866.

Andrew Dellone, Territorial warrant No. 109 general fund,	541	75	
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On Account of Insane for 1866.

Iowa Hospital, 1st qr., warrant No. 58 "C," general fund,	319	55	
W. G. Glasgow, " " " " 61 " " "	273	70	
Otoe County, " " " " 73 " " "	273	95	
Iowa Hospital 2nd qr. " " " " 86 " " "	381	75	
Israel Swihart, " " " " 92 " " "	179	75	
Thos. Christophersen, " " " " 98 " " "	172	35	
C. W. Seymour, " " " " 103 " " "	180	00	
Iowa Hospital, 3rd qr. " " " " 120 " " "	590	07	
E. S. Reed, " " " " 145 " " "	13	85	
E. S. Reed, " " " " 146 " " "	13	00	
V. C. Utley, " " " " 139 " " "	172	50	2,569 57
Overdrawn the appropriation " " " "	\$569	57	

On Account of the Deaf and Dumb 1866.

E. H. Hall, Territorial warrant No. 114 "C" general fund,	80	25	
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General Fund Office Expenses.

George R. Smith, postage, Territorial warrant No. 87 "C," gen. fund,	16	79	
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Bounties on Wolves and Wild Cats Killed.

A. Ceastetter, warrant No. 110 "C," general fund,	10	75	
Joel T. Griffin, " 111 " " "	5	25	
D. R. Holt, " 117 " " "	8	00	
B. B. Presson, " 131 " " "	4	00	
William Rigly, " 134 " " "	2	75	
William Guy, " 137 " " "	6	00	
William Adair, " 147 " " "	23	25	60 00

Revenue Expenses.

Peter Yenel, Treas'r Cedar Co., fees & mileage, wt. No. 46	C	3	86	
Peter Yenel, " " " " " 47	"	41	64	
J. B. Cox, " Burt " " " 65	"	10	44	
J. B. Cox, " " " " " 66	"	33	37	
J. K. Ish, " Douglas " " " 67	"	54	94	
J. K. Ish, " " " " " 68	"	136	29	
D. R. Holt, " Richardson " " " 74	"	184	90	
D. R. Holt, " " " " " 75	"	112	35	
D. R. Holt, " " " " " 77	"	25	00	
V. Kummer, " Platte " " " 112	"	72	98	
V. Kummer, " " " " " 113	"	44	45	
D. R. Holt, " Richardson " " " 115	"	53	20	
D. R. Holt, " " " " " 116	"	56	44	
C. J. Nighhardt " Seward " " " 118	"	58	84	
C. J. Nighhardt " " " " " 119	"	28	56	
J. A. Goodlett, " Otoe " " " 123	"	242	00	
J. A. Goodlett, " " " " " 123	"	95	00	
M. S. Reeves, " " " " " 124	"	321	07	
M. S. Reeves, " " " " " 125	"	196	93	
J. K. Ish, " Douglas " " " 126	"	521	15	
Jonas Hecker, " Nemaha " " " 129	"	417	59	
R. B. Presson, " Johnson " " " 130	"	91	55	
G. P. Thomas, " Burt " " " 132	"	74	72	
Alvara Davis, " Dixon " " " 133	"	42	56	
Alex. Reed, " Washington " " " 134	"	266	43	
V. Kummer, " Platte " " " 135	"	69	75	
David Leach, " Sarpy " " " 136	"	249	28	
William Guy, " Lancaster, " " " 138	"	46	55	
William Adair, Dakota, " " " " 140	"	124	20	
Peter Yenel, Cedar, " " " " 141	"	52	43	
Theron Nye, Dodge, " " " " 148	"	116	18	3,791 97

Recapitulation—General Fund.

By W. E. HARVEY, Auditor.

Revenue Expenses,	\$165	72	
Salaries " " " "	485	00	
Armory " " " "	4	75	
Library " " " "	38	10	
Office " " " "	86	33	
Books and Blanks,	796	52	
General Fund,	374	12	\$1,950 54

FRIDAY, JANUARY 11, 1867.

35

By JOHN GILLESPIE, Auditor.

Legislative Expenses,	\$2,407	00	
Salaries,	2,049	00	
Executive Department,	399	36	
Armory Expenses,	9	75	
Immigration,	2,000	00	
Militia Expenses,	2,084	10	
Library "	185	45	
Revenue Books and Blanks,	1,409	60	
Office Expenses,	200	00	
Adjutant General's Department,	21	25	
Penitentiary Expenses, 1865,	444	00	
" " 1866,	541	75	
Insane "	2,569	57	
Deaf and Dumb,	30	25	
General Fund,	16	79	
Bounties,	60	00	
Revenue Expenses,	3,791	79	\$18,219 66
Total General Fund Warrants drawn November 30th, 1866:			
By W. E. Harvey, Auditor,	\$ 1,950	54	
" John Gillespie,	18,219	66	\$20,170 20

STATEMENT "C."

OUTSTANDING INDEBTEDNESS.

Seven per cent. Bonds outstanding,	\$20,550	00	
Interest on same (estimated),	800	00	\$21,350 00
Ten per cent. Bonds outstanding,	36,000	00	
Interest on same (estimated),	1,900	00	37,900 00
Warrants outstanding,	16,221	44	
Interest on same (estimated),	10,000	00	26,221 44
Total,			\$85,471 44

RESOURCES.

Cash on hand,	\$23,624	56	
Taxes due for 1866,	69,973	86	
Delinquent Taxes due from Counties,	26,983	24	
Due from Government,	45,000	00	\$165,281 66
Resources,			\$165,281 66
Liabilities,			85,471 44
Amount over Liabilities,			\$69,810 22

STATEMENT "D"—GENERAL FUND.

36

Showing the amount of money received into the Territorial Treasury—Principal, Penalty, and Interest—on account of Taxes from Dec. 21st, 1865, to Nov. 30th, 1866.

	1859		1860		1861		1862		1863		1864		1865		
COUNTIES.	Prin.	P. & I.	Prin.	P. & I.	Prin.	P. & I.	Prin.	P. & I.	Prin.	P. & I.	Prin.	P. & I.	Prin.	P. & I.	Total.
Burt			01	01	2 16	56	1 96	25	2 92	100	23 47	4 79	368 22	4 26	410 61
Cedar			7 26		5 24	22	5 18	66	6 57	68	89 91	1 49	108 11		158 87
Cuming											74 00				74 00
Cass					6 15		23 44		145 00		475 82		3346 93		3997 34
Dixon													107 62		107 62
Dakota													645 84	5 16	651 00
Douglas	28 47	7 77	46 34	4 82	32 22	7 08	31 62	4 92	93 43	10 09	4162 51	7 94	5436 62	6 15	9879 78
Dodge					1 10		4 82		5 44		41 37		609 64		661 87
Gage			5 17		4 42		1 05		2 09		28 96		43 26		84 95
Johnson							20		2 39		14 81		435 30		480 76
Lancaster											29 02		178 93		207 95
Nemaha									41 77		2264 01	20 64	3075 65	79 70	5441 77
Otoe			51 56	23 35	46 43	37 62	40 13	32 61	84 96	42 04	2357 39	137 77	4771 60	102 43	7732 99
Platte					10 96		4 52		37 75		110 82		664 79		828 84
Pawnee											9 62		463 54		473 16
Richardson			6 38		2 89		12 58		7 76		45 06		2306 11		2380 76
Sarpy	1 20				1 55		12		2 09		291 38		1520 45		1826 79
Seward													55 13	3 26	58 39
Washington	5 04	3 04	13 23	6 75	11 77	5 51	19 69	7 32	24 91	6 79	85 86	13 76	1434 19	26 36	1664 14
															\$35198 87

FRIDAY, JANUARY 11, 1867.

STATEMENT "D"—[Continued]—SINKING FUND.

	1860		1861		1862		1863		1864		1865		
COUNTIES.	Prin.	P. & I.	Prin.	P. & I.	Prin.	P. & I.	Prin.	P. & I.	Prin.	P. & I.	Prin.	P. & I.	Total.
Burt			2 16	56	1 43	09	1 94	60	9 40	1 90	224 94	2 58	245 60
Cedar					1 43	57	1 34	44	2 39	47	63 92	97	71 53
Cuming											38 53		38 53
Cass			5 84		12 72		149 73		98 99		2015 88		2282 81
Dixon											68 01		68 01
Dakota											388 01	8 08	391 09
Douglas	6 20	4 60	22 94	3 06	15 76	7 24	68 82	3 08	673 83	7 49	3256 28	3 56	4072 88
Dodge			1 68		4 18		4 43		18 63		368 55		397 47
Gage					62		1 25		17 44		26 16		45 47
Johnson					12		1 25		7 90		233 56		242 89
Lancaster									5 20		112 40		117 60
Nemaha			7 24	2 97	12 08	3 81	36 95	9 66	76 53	10 85	1761 55	43 80	1965 44
Otoe			19 41	8 73	21 97	8 78	29 32	8 89	70 75	14 15	2847 45	60 19	3999 53
Platte			18 69		30 73		44 83		40 30		396 00		530 55
Pawnee									3 85		282 80		286 65
Richardson	13 70		47		8 36		4 63		19 46		1390 92		1488 04
Sarpy			72		08		95		431 66		948 40	10 00	1382 01
Seward											33 66	1 94	35 60
Washington			7 84	3 67	13 20	4 90	16 52	4 44	34 48	5 57	861 79	15 78	968 19
													\$18482 43

FRIDAY, JANUARY 11, 1867.

FRIDAY, JANUARY 11, 1867.

STATEMENT "E."

Showing the amount of General Fund due the Territory from the several Counties.

	1859	1860	1861	1862	1863	1864	1865	Total.
COUNTIES.	Prin.	Prin.	Prin.	Prin.	Prin.	Prin.	Prin.	
Burt			63 71	21 43	29 52	209 88	109 14	433 88
Cedar	33 13		17 82		44		65 63	108 02
Cuming					1 91	1 06	43 14	46 11
Cass		42 26	3 00	23 44			1020 14	1088 84
Dixon			40 58	1 30	42 64	112 02	111 44	307 98
Dakota			247 25	132 48	83 27	46 19	49 12	558 31
Douglas			421 95	352 51	586 61	977 42	1244 23	3582 72
Dodge		4 96	13 47	17 95	25 42	78 61	237 15	372 56
Gage			63 96	71 61	43 77	24 06	245 46	448 86
Johnson			13 41	44 10		76 84	88 10	222 45
Lancaster						9 41	107 63	117 04
Nemaha						195 84	1128 56	1324 40
Otoe			575 58	570 20	597 28	902 42	1479 06	4064 54
Platte	71 84					43 02	194 73	309 58
Pawnee		7 11	34 71	24 47		117 09	90 20	273 58
Richardson		39 29	242 80	271 29	219 56	406 35	535 55	1714 84
Sarpy	226 20		72 38	80 72	71 52	60 15	193 37	706 34
Seward							13 27	13 27
Washington	276 79		172 43	25 47	18 61	78 97	330 40	902 67
Jones						17 00	55 35	72 35
	590 96	93 62	1983 05	1577 17	1720 55	3351 33	7343 66	\$16668 34

STATEMENT "E"—Continued.

Showing the amount due the Territory from the Counties on Account of Sinking Fund.

COUNTIES.	1860	1861	1862	1863	1864	1865	Total.
Burt		63 71	34 30	18 88	81 77	61 47	262 13
Cedar		32 10	8 93	91			41 94
Cuming				1 27	37	26 28	27 92
Cass						604 71	604 71
Dixon		28 45	1 22	7 97	44 90	68 43	150 97
Dakota		231 85	91 01	49 99	18 48	28 91	420 24
Douglas		379 66	255 55	373 75	384 23	755 83	2149 02
Dodge		20 62	19 13	17 03	30 43	139 52	226 73
Gage		45 58	46 41	29 14		147 08	268 21
Johnson		70 00	85 43	38 38	38 39	91 78	323 98
Lancaster					60 13	59 54	119 67
Nemaha		108 05	66 35	86 21	74 21	814 18	1149 00
Otoe		659 17	293 49	400 72	368 44	902 95	2624 77
Platte		36 71			15 47	119 58	171 76
Pawnee		31 11	14 53		46 84	49 45	141 93
Richardson		145 12	151 67	141 76	164 84	395 65	999 04
Sarpy		56 36	54 33	27 87	41 55	84 21	264 32
Seward						7 40	7 40
Washington		227 55	27 37	14 08	33 34		302 34
Jones					6 83	51 99	58 82
		2136 04	1151 72	1207 96	1410 22	4409 06	10814 90

STATEMENT "F."

Abstract of Assessments for the year 1866.

COUNTIES.	Acres of Land.		Value of Town Lots.	Amount Invested in Merch'dise	Am't invested in Manufactures.	Am't invested in Stocks and Shares.	Moneys and Credits	Taxable Household Furniture	Horses.		Neat Cattle.	
	No.	Value.							No.	Value.	No.	Value.
Burt	51,808	\$185,117	\$26,615 00	\$3,960	\$1,000		\$6,120	\$ 250	517	\$ 42,386	1,895	\$37,822 00
Cedar	12,670	25,340	1,774 00	500	4,800		4,315		86	6,145	670	15,065 00
Cumming	8,867	23,249	446 00	1,000	2,517		3,652	50	101	8,200	690	15,382 00
Cass	221,716	1,108,580	202,763 00	150,091	27,291	7,500	123,210	8,761	2,510	188,250	8,537	198,485 25
Dixon	15,436	30,872	5,335 00	2,800	1,685		2,893		138	8,280	650	15,112 50
Dakota	57,608	126,489	52,213 00	5,150	120		4,318	50	349	23,620	2,199	41,938 00
Douglas	173,185	865,225	1,949,197 00	644,759	26,970	105,350	189,713	33,305	1,487	111,525	2,993	90,837 75
Dodge	84,920	243,780	19,087 00	25,150	1,450		20,881	500	344	25,800	1,380	32,665 00
Gage	19,169	38,338	10,118 00	4,425	150	100	17,799	90	467	35,600	1,907	43,103 00
Johnson	45,982	116,074	6,740 00	1,850	1,500		12,827		555	33,300	1,620	32,400 00
Lancaster	23,526	56,315	1,045 32	2,888	1,700		8,802	275	328	20,125	1,253	25,060 00
Merrick				360			1,150	25	96	7,655	456	7,807 00
Nemaha	206,299	826,796	183,615 00	103,799	16,402	1,225	80,755	7,197	2,024	151,800	8,271	140,800 75
Otoe	232,699	1,183,485	999,357 00	456,898	37,041	16,855	287,831	38,118	2,224	166,800	8,206	191,123 00
Platte	63,215	189,645	97,580 00	17,911	3,806	3,670	14,415	200	421	31,575	1,813	39,080 00
Pawnee	55,007	204,045	14,800 00	12,750			22,796		853	57,705	2,884	108,349 00
Richardson	258,411	762,399	79,220 00	35,827	2,205	1,254	59,088	840	2,035	133,025	7,089	125,349 00
Sarpy	127,037	528,060	82,040 00	13,265	725	300	13,125	325	916	72,365	3,217	72,720 00
Seward	10,711	20,180		1,250	4,250		750		108	7,660	311	8,644 00
Washington	185,928	471,958	46,754 00	9,300	9,030	219	31,294	428	820	65,269	3,155	107,917 00
Total	1,503,594	\$7,288,892	\$3,738,699.32	\$1,493,553	\$143,742	\$46,478	\$906,344	\$83,014	16,379	\$1,216,685	56,810	\$1,290,610.25

FRIDAY, JANUARY 11, 1867

STATEMENT "F"—Continued.

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COUNTIES.	Mules and Asses.		Sheep.		Swine.		Carriages.		All Other Property not Enum- erated.	Total Valuation.
	No.	Value.	No.	Value.	No.	Value.	No.	Value.		
Burt.....	22	\$2,315	100	\$ 255 00	517	\$ 1,962	211	\$ 9,573	\$ 3,988	\$ 21,361 00
Cedar.....	2	200	247	867 50	90	37	60	2,502	570	62,446 50
Cuming.....	3	240	211	633 00	107	505	86	3,990	2,357	62,221 00
Cass.....	254	25,400	2,963	7,407 50	2,414	12,070	909	52,912	16,317	2,129,037 75
Dixon.....	1	285	403	806 00	95	285	51	1,120	45	69,318 50
Dakota.....	16	1,450			282	1,128	163	5,942	4,984	267,402 00
Douglas.....	893	89,300	1,293	3,232 50	477	2,385	1,017	78,915	595,906	4,787,320 25
Dodge.....	32	3,900	200	400 00	151	755	159	12,246	3,645	399,959 00
Gage.....	43	3,870	635	1,587 50	290	1,260	201	10,392	7,035	173,867 50
Johnson.....	22	1,980			365	1,465	204	7,828	1,498	217,462 00
Lancaster.....	30	2,315	635	1,587 50	183	915	161	6,256	2,475	130,548 50
Merrick.....	2	150			37	185	30	1,970	100	19,852 00
Nemaha.....	203	18,270	2,750	6,875 00	2,680	10,520	726	38,126	29,400	1,621,479 75
Otoe.....	746	74,600	4,506	11,265 00	1,266	6,320	1,362	101,819	50,668	3,594,235 00
Platte.....	30	3,090			207	913	165	9,023	6,828	417,786 00
Paynee.....	42	3,200	1,550	3,875 00	618	3,316	242	11,050	3,853	395,739 00
Richardson.....	113	9,392	1,059	2,037 00	3,379	8,971	634	35,427	10,827	1,625,989 00
Sarpy.....	58	5,785	140	302 00	559	2,226	365	21,205	9,290	831,781 00
Seward.....	9	725			53	318	45	2,325	72	54,842 00
Washington.....	57	5,068	526	1,131 00	765	3,052	418	20,728	10,768	743,913 00
	2,581	\$251,563	17,318	\$42,872 00	14,529	\$43,086	7,209	\$433,279	\$762,438	\$17,836,631 75

FRIDAY, JANUARY 11, 1867.

STATEMENT "G."

Abstract showing the increase of material wealth in the Territory of Nebraska from 1859 to 1866.

FRIDAY, JANUARY 11, 1867.

41

After the reading of the message,

On motion of Mr. Stewart, the joint convention adjourned *sine die*.

The Council having returned to its chamber,

On motion of Mr. Stewart, the members proceeded to select their seats by lot.

Mr. Freeman moved the Sergeant-at-Arms be instructed to procure desks for reporters of the two daily papers of this city, and for reporters of such other papers as may be present.

Motion carried.

Mr. Doane moved that five hundred copies of the Governor's Message be printed for the use of the Council.

Mr. Stewart moved to amend the motion by adding "and that the Chief Clerk procure the printing of the same."

The following communication from the Secretary was received and read:

NEBRASKA TERRITORY, SECRETARY'S OFFICE,
Omaha, January 11, 1867.

The Honorable the President of the Council:

SIR—I have the honor to inform you that I have contracted with Barkalow Bro's, of this city, for the current printing of the Twelfth Session Legislative Assembly. You will therefore be good enough to instruct the Chief Clerk of the Council to present to them all orders from that honorable body.

Very respectfully, your ob't serv't,

A. S. PADDOCK, *Secretary*.

Mr. Doane moved as an amendment to the amendment, "provided that the Territorial Treasury shall, in no event, be liable for said printing."

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doane, Doom, Freeman, Majors, Presson, Reeves, Sheldon, Stewart, and Wardell—10.

Nays—Mr. Neligh—1.

So it was agreed to.

Mr. Neligh moved to amend the motion by adding: "Also two hundred and fifty copies of the message and accompanying documents in the German language."

Mr. Baumer moved to amend the amendment by striking out the words "two hundred and fifty," and inserting "five hundred."

Which was agreed to.

The amendment as amended was then adopted.

Mr. Reeves moved to amend the motion by striking out the first "five hundred," and inserting "one thousand."

Which was agreed to.

Upon the motion of Mr. Stewart, the Council then adjourned till half-past 2 o'clock, P. M.

AFTERNOON SESSION.

Council met pursuant to adjournment.

The President announced that the motion of Mr. Doane, as amended, was in order.

The original motion, as amended, was read, as follows:

That one thousand copies of the Governor's Message be printed for the use of the Council, and that the Chief Clerk procure the printing of the same; and also five hundred copies of the message and accompanying documents in the German language, provided that the Territorial Treasury shall, in no event, be liable for said printing.

Mr. Presson moved to lay the motion on the table; which was agreed to.

Mr. Doom moved the following:

Resolved, That the Chief Clerk is hereby instructed and authorized to procure the printing ordered by the Council during the present session.

Which was laid over, under the rules.

Mr. Doom moved the following:

Resolved, That the Chief Clerk procure one thousand copies of the Governor's Message and accompanying documents, in the English language, also five hundred copies of the same in the German language, for the use of the Council.

Which was laid over, under the rules.

On motion of Mr. Reeves, a committee of three was appointed to wait upon the Secretary to ascertain to what extent he is authorized to furnish this body with papers, and what arrangements had been made for that purpose.

Messrs. Reeves, Presson, and Baumer were appointed.

The committee reported that they had attended to that duty, and were informed by the Secretary that he would communicate to the Council upon that subject to-morrow, by a letter received from Treasury Department.

The President announced the following standing committees:

Judiciary—Messrs. Doom, Doane, and Stewart.

Finance, Ways, and Means—Messrs. Presson, Reeves, and Sheldon.

Education—Messrs. Stewart, Wardell, and Sheldon.

Federal Relations—Messrs. Doom, Baumer, and Presson.

Military Affairs—Messrs. Majors, Baumer, and Neligh.

Highways, Bridges, and Ferries—Messrs. Sheldon, Freeman, and Wardell.

Expenditures—Messrs. Stewart, Bates, and Sheldon.

Incorporations—Messrs. Presson, Wardell, and Doom.

Territorial Library—Messrs. Neligh, Freeman, and Reeves.

Public Buildings—Messrs. Neligh, Doane, and Bates.

Elections—Messrs. Majors, Baumer, and Doom.

Counties—Messrs. Stewart, Reeves, and Neligh.

Printing—Messrs. Majors, Baumer, and Presson.

Agriculture—Messrs. Sheldon and Bates.

Enrolled and Engrossed Bills—Messrs. Stewart and Doane.

On motion of Mr. Doom, Council adjourned till to-morrow at 10 o'clock,
A. M.

COUNCIL CHAMBER,
Saturday, January 12, 1867. }

Council met pursuant to adjournment.

President in the Chair.

Prayer by the Chaplain.

Roll called; absent, Mr. Doane.

Journal read and approved.

Mr. Majors presented a petition from A. P. Coggsell, *et. al.*, asking the passage of an act authorizing the Directors of the Brownville City School District, in Nemaha County, to issue bonds to finish school-house.

Referred to Committee on Education.

Mr. Presson presented a memorial from G. C. Monell, John M. Taggart, and John S. Bowen, as a committee on the part of the Educational Association of Nebraska, asking certain amendments in the school law.

Referred to Committee on Education.

Mr. Reeves presented petition of M. B. Davis, *et. al.*, asking a change in the school law.

Referred to Committee on Education.

The following notices of bills were given :

By Mr. Majors—An act to authorize the Board of Education of Brownville City School District to raise money, by the issue of bonds, to complete and furnish Central High-School building.

By Mr. Stewart—An act equalizing the apportionment of Councilmen and Representative Districts.

By Mr. Reeves—An act for the protection of court-houses and jails, and the appointment of jailers.

By Mr. Doane—An act to amend the code of civil procedure passed at the eleventh session.

By Mr. Doom—An act to incorporate the Platte River Bridge Company.

Also, An act to require the registration of the legal voters.

By Mr. Presson—An act for the protection of settlers upon the lands of the Territory.

By Mr. Freeman—An act to change the order of the Legislative District composed of the Counties of Saline, Butler, Lancaster, and Kearney.

The resolution offered yesterday by Mr. Doom, relative to procuring copies of the Governor's Message and accompanying documents, was called up.

Mr. Stewart moved the following amendment:

"Providing the Territory shall incur no expense in said printing."

The yeas and nays were demanded :

Yeas—Messrs. Baumer, Doane, Freeman, Majors, Reeves, Stewart, and Wardell—7.

Nays—Messrs. Doom, Neleigh, Presson, and Sheldon—4.

So the amendment was agreed to.

Mr. Doane moved to amend by inserting after the word "procure," the words "through the Secretary."

The yeas and nays were demanded :

Yeas—Messrs. Baumer, Doane, Freeman, Reeves, and Wardell—5.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, and Stewart—6.

So it was not agreed to.

Mr. Reeves moved to postpone until Monday.

Which was not agreed to.

Mr. Doane moved to amend by inserting "by the persons with whom the Secretary of the Territory has reported to the Council he has contracted for the legislative printing."

The yeas and nays were demanded :

Yeas—Messrs. Doane, Freeman, Reeves, and Wardell—4.

SATURDAY, JANUARY 12, 1867.

Nays—Messrs. Baumer, Doom, Majors, Neligh, Presson, Sheldon, and Stewart—7.

So it was not agreed to.

Mr. Reeves moved to adjourn till Monday at 10 o'clock.

Which was not agreed to.

Mr. Doane moved to amend by "providing further, that the price to be paid for the printing of the same shall not exceed the rate contracted for by the Secretary of the Territory, for the legislative printing of this session."

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doane, Freeman, Reeves, and Wardell—5.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, and Stewart—6.

So it was not agreed to.

The question being upon the resolution as amended,

The yeas and nays were demanded;

Yeas—Messrs. Baumer, Doom, Majors, Neligh, Presson, Sheldon, and Stewart—7.

Nays—Messrs. Doane, Freeman, Reeves, and Wardell—4.

So it was agreed to.

The following communication, from the Secretary of the Territory, was received and read:

NEBRASKA TERRITORY, SECRETARY'S OFFICE,

Omaha, January 11, 1867.

The Honorable, the President of the Council;

SIR—I have the honor to submit through you to the Council, a copy of a letter of instructions received at this office, which will afford your honorable body all information required relative to the allowance of newspapers for the members of the Legislative Assembly during the present session.

Very respectfully your obedient servant,

A. S. PADDOCK, *Secretary.*

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE,

August 4, 1863.

A. S. Paddock, Secretary of the Territory, Omaha, Nebraska:

SIR—The following instructions must be fully observed in future:

You are authorized to furnish each member, and officers proper, of the Legislative Assembly, who may desire it, the daily newspapers published in

MONDAY, JANUARY 14, 1867.

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the Territory, during the session of the Assembly, and to pay the postage thereon when the paper furnished is printed elsewhere than at the seat of government.

When desired, papers published less frequently than daily, may be substituted in lieu of the daily at a cost not exceeding that of a daily paper.

Very respectfully,

R. W. TAYLOR, *Comptroller.*

Upon the motion of Mr. Stewart, the Council then adjourned till Monday, at 10 o'clock, A. M.

COUNCIL CHAMBER,
Monday, January 14, 1867. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Reeves presented the credentials of Barnabas Bates of Dakota County as Councilman from the First District, and moved they be referred to the Committee on Elections and that the Committee be instructed to report immediately.

Which was agreed to.

The committee to whom was referred the credentials of Barnabas Bates submitted the following report:

Mr. President—Your committee to whom was referred the credentials of Barnabas Bates that upon examination of the same we find that Barnabas Bates is duly elected a member of this Council for the First District.

The report was adopted.

Mr. Reeves moved that a committee of three be appointed to wait upon the Secretary of the Territory and request him to administer the oath of office to Barnabas Bates.

Which was agreed to, and Messrs. Reeves, Majors, and Stewart were appointed said committee.

The committee reported the Secretary present who thereupon administered the oath.

MONDAY, JANUARY 14, 1867.

The following notices of bills were given:

By Mr. Doom—A bill for an act to authorize County Commissioners to employ attorneys in certain cases.

Also,

A bill for an act to amend section 34 of chapter 19 of the Revised Statutes.

Also,

A bill for an act to prescribe the fees and define the duties of certain officers and for other purposes.

By Mr. Neligh,

A bill for an act to encourage the cultivation of fruit and forest trees.

By Mr. Stewart,

A bill for an act to regulate the toll of millers and also to regulate other matters relating to millers and their customers.

By Mr. Wardell,

A bill to amend an act entitled an act to consolidate Nebraska City, South Nebraska City and Kearney City, and to incorporate Nebraska City approved December 31st 1857, and the several amendments to said act approved February 12th, 1866.

Also,

A bill to amend chapter second under title eighth of Revised Statutes of Nebraska, which said chapter is entitled Replevin of Property.

Also,

A bill to amend chapter forty-six (46) of the Revised Statutes of Nebraska entitled "revenue."

By Mr. Reeves,

A Bill to amend the forty-sixth (46) chapter of the Revised Statutes entitled "revenue."

By Mr. Presson,

An act for the relief of J. M. Siglin.

Mr. Doom introduced

Council File No. 1—A bill for an act to incorporate the Platte River Bridge Company.

Read the first time:

Also,

Council File No. 2—A bill for an act to require the registration of the legal voters of Nebraska.

Read the first time.

A message from the House by Mr. Bowen, its Chief Clerk:

Mr. President—I am instructed to inform the Council that Messrs. Parmelee, Harvey, Wiles, Child, and Cole have been appointed a committee to

confer with a similar committee of the Council upon that portion of the Governor's message as relates to the withdrawal of public lands from market for the benefit of the Burlington and Missouri Railroad.

And the concurrence of the Council is requested.

Mr. Majors introduced Council File No. 3—A bill for an act to authorize the Board of Education of Brownville City School District to raise money to finish and complete a central high school building.

Read the first time.

Mr. Reeves introduced Council File No. 3—A bill for an act to provide for the protection of public buildings and the appointment of jailers.

Read the first time.

Mr. Stewart moved that a copy of the communication of the Secretary of the Territory relating to printing be referred to the Committee on Printing.

Motion agreed to.

Mr. Doane moved that the Council go into Committee of the Whole on the Governor's message.

Mr. Doom moved to lay the motion on the table.

Which was agreed to.

The resolution of Mr Doom on printing being called up,

Mr. Doane moved the following amendment: "Provided, that the price to be paid for printing shall not exceed the rate contracted for by the Secretary of the Territory for the legislative printing of this session; and provided further that the Territorial Treasury shall in no event be made liable for the expense of such printing."

Mr. Doom moved to lay the amendment on the table.

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and Mr. President—7.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

So it was agreed to.

Mr. Stewart offered the following amendment: Providing, The Territory incur no expense in printing.

The yeas and nays were demanded:

TUESDAY, JANUARY 15, 1867.

Yeas—Messrs. Baumer, Doane, Doom, Freeman, Majors, Presson, Reeves, Sheldon, and Wardell—10.

Nays—Messrs. Bates and Neligh—2.

So it was agreed to.

Mr. Presson moved to adjourn till half-past two o'clock.

Mr. Doane moved to amend by substituting ten o'clock to-morrow, which was not agreed to.

The motion to adjourn was not agreed to.

Mr. Doane moved to further amend the resolution by adding: *Providing further, That no printing shall be procured by said Clerk at a rate greater than that contracted for by the Secretary of the Territory.*

Mr. Stewart moved to adjourn till 10 o'clock to-morrow.

Mr. Doom moved to substitute 3 o'clock this afternoon.

Which was not agreed to.

Motion to adjourn till 10 o'clock to-morrow prevailed.

COUNCIL CHAMBER.

Tuesday, January 15, 1867.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called; absent, Mr. Bates.

Journal read and approved.

The following petitions and memorials were presented:

By Mr. Neligh,

Petition of voters and tax-payers of Logan Precinct, Washington County, relative to County-line.

Referred to Committee on Counties.

By Mr. Majors,

Petition of A. Bates, and others, to disfranchise certain persons in this Territory who have been disfranchised elsewhere.

Referred to Committee of Judiciary.

By Mr. Wardell,

Petition of B. J. Johnson, and others, to vacate certain block in Prairie City Addition of Nebraska City.

Referred to Committee on Judiciary.

Mr. Stewart presented a petition from citizens of Table Rock, Nebraska, asking an act to vacate a part of said city.

Referred to Committee on Incorporations.

Mr. Majors submitted the following report of the Committee on Printing:

Mr. President—Your committee to whom was referred the communication of the Secretary of the Territory upon the subject of public printing, beg leave to report:

That the course pursued by the Secretary is without precedent in the history of this Territory, and your committee can regard it no other light than as an attempt to usurp one of the rightful prerogatives of this body. The control of the printing is a right that of necessity belongs to the body ordering the same, for if that power conceded to the Secretary, or other person, over whom the Council has not control, it will be in the power of that person to perform the work or not, or to perform it at such time as may suit his convenience, without regard to the necessities of the case. Our session being limited to forty days render it absolutely necessary, that the Council should have the entire control of the printing ordered for its use.

Your committee would further represent that on inquiry we are unable to learn that Messrs. Barkalow Bros. have any printing press, or other machinery of a printing establishment. The Secretary not having informed the Council as to the rates at which he has contracted the printing, and not having either publicly or privately advertised for the lowest bids at which the printing could be done, your committee are unable to see that even a retrenchment of expense is one of the ends to be accomplished by the surrender of so important a right.

In conclusion, your committee would recommend that the Chief Clerk be instructed to contract the printing ordered by this Council only with responsible parties, and at the lowest possible rates.

All of which is respectfully submitted.

T. J. MAJORS,
WM. BAUMER,
J. E. DOOM.

Mr. Wardell presented the following resolution:

Resolved, That the Sergeant-at-Arms be and is hereby instructed to procure, to be displayed from its appropriate place on this Capitol, our national colors, during the present session.

Which was adopted.

The following notices of introduction of bills were given:

Mr. Stewart gave notice that on to-morrow, or some subsequent day, he would introduce a bill entitled an act to vacate a part of Table Rock.

Mr. Wardell gave notice that on to-morrow, or some subsequent day of this session, he would offer a bill to vacate all alleys in blocks 19 and 20, in Prairie City Addition to Nebraska City, in Otoe County, Nebraska Territory.

By Mr. Reeves, a bill for the relief of William McLennan.

By Mr. Freeman, a memorial and joint resolution, memorializing the General Government to establish a fort or sub-military post on the Republican River, at some point between Turkey Creek and Beaver Creek.

Also,
A joint resolution for a special geological survey of Republican Valley.

By Mr. Majors, a bill for an act declaring the effect of decrees in courts of equity.

The following bills were introduced:

By Mr. Presson,
Council File No. 5—An act to protect settlers on lands in the Territory of Nebraska.

Read the first time.

Also,
Council File No. 6—A bill entitled an act for the relief of J. M. Siglin, Sheriff of Richardson County.

Read the first time.

Mr. Doom introduced
Council File No. 7—An act to authorize County Commissioners to employ attorneys in certain cases.

Read the first time.

Also,
Council File No. 8—An act to amend section 34, chapter 19, of Revised Statutes.

Read the first time.

Also,
Council File No. 9—An act to prescribe the fees and define the duties of certain officers, and for other purposes.

Read first time.

BILLS ON SECOND READING.

Council File No. 1—An act to incorporate Platte River Bridge Company.
Rules were suspended and the bill read the second time by its title, and referred to the Committee on Incorporations.

Council File No. 2—A bill for an act to require the registration of legal voters of the Territory of Nebraska.

The rules were suspended and the bill read the second time by its title, and referred to the Committee on Judiciary.

Council File No. 3—A bill for an act to authorize the Board of Education of Brownville City School District to raise money to finish and complete a central high-school building, and to pay off the indebtedness heretofore incurred in erecting and furnishing said school building.

The rules were suspended and the bill read the second time by its title, and referred to the Committee on Education.

Council File No. 4—A bill for an act to provide for the protection of public buildings, and the appointment of jailers.

The rules were suspended and the bill read the second time by its title, and referred to the Committee on Public Buildings.

The resolution of Mr. Doom, relative to the printing during the session, was called up.

The question being upon the amendment offered by Mr. Doane.

Mr. Sheldon moved to adjourn to 2 o'clock P. M.

Mr. Doane moved to amend by substituting 10 o'clock to-morrow.

Motion to amend lost.

Motion to adjourn carried.

AFTERNOON SESSION.

Council met pursuant to adjournment.

The question being upon the amendment of Mr. Doane to the resolution of Mr. Doom relative to printing.

Mr. Reeves moved a call of the House.

Roll called; absent, Messrs. Doane and Freeman.

On the motion of Mr. Reeves, the Sergeant-at-Arms was despatched after the absent members.

Mr. Majors moved to take a recess of twenty minutes, which was agreed to.

Council called to order, Messrs. Doane and Freeman present.

Mr. Reeves moved that all further proceedings in regard to absent members be dispensed with.

Question called on the amendment.

The yeas and nays were demanded.

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Warrell—16

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, and Stewart—6.

So the amendment was not agreed to.

Mr. Doane then moved the following amendment:

"Provided that before any work shall be performed under this resolution, the Chief Clerk shall advertise for proposals for doing said printing for three (3) months, and shall award said printing to the party proposing to do the same for the least price."

Mr. Stewart moved that the amendment be laid on the table.

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doom, Majors, Neligh, Presson, Sheldon, and Stewart—7.

Nays—Messrs. Bates, Doane, Freeman, Reeves, and Wardell—5.

Motion to lay on the table carried.

The question recurring on the resolution as amended.

Mr. Doom moved the previous question.

Which was seconded, and the main question ordered and put, namely:

Shall the resolution, as amended, be now adopted?

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doom, Majors, Neligh, Presson, Sheldon, and Stewart—7.

Nays—Messrs. Bates, Doane, Freeman, and Wardell—5.

So the resolution, as amended, was adopted.

Mr. Doane moved that the Clerk be instructed to present to any person with whom he may contract for the printing for this, or who may do the same under his order, before such contract shall be made or printing performed, a certified copy of the resolution passed by the Council directing the Chief Clerk to procure the printing, with the proviso thereto attached.

Which was agreed to.

Mr. Presson moved that a committee of three be appointed to wait upon the Hon. A. S. Paddock, Secretary of the Territory, and request him to furnish this Council, at his earliest convenience, with a certified copy of a dispatch sent by him to Secretary McCulloch on or about January 11, 1867, in reference to the subject of printing.

Mr. Reeves moved to amend the motion by adding and the reply received thereto.

Which was agreed to.

The motion, as amended, was agreed to.

Upon motion of **Mr. Doane**, the Council adjourned until tomorrow at 10 o'clock.

COUNCIL CHAMBER,

Wednesday, January 16, 1867.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

Mr. Majors presented a petition of the Trustees of the Peru Seminary and College for the change of its name and providing of appointment of Trustees.

Which was referred to the Committee on Education.

Mr. Stewart from Committee on Education submitted the following report in reference to Council File No. 3:

Mr. President—Your committee to whom was referred Council File No. 3, a bill for an act to authorize the Board of Education of Brownville City school district to raise money to furnish and complete a central high school building and to pay off the indebtedness heretofore incurred in erecting and finishing said school building, have had the same under consideration and beg leave to report the same back with the following amendment, to wit: That section nine, which provides that the bonds so authorized to be issued shall not be subject to taxation, be stricken out from said bill. The amendment is most respectfully submitted, and the committee ask to be discharged from a further consideration of the same.

A. S. STEWART, Chairman,

W. W. WARDELL,

L. SHELDON.

The following report of Governor Saunders as President ex-officio of the Board of Immigration was received:

To the Honorable, the Council and House of Representatives of the Territory of Nebraska:

Pursuant to section 10 of "An act to create a Board of Immigration and to encourage immigration to Nebraska requiring such Board to make regular annual reports of all its doings to the Legislature, the following has been prepared and is respectfully submitted:

After the appointment of its members and the selection of its officers, the first object receiving the attention of the Board was the publication and dissemination of information concerning the many advantages and inducements presented by Nebraska. In August last 10,000 copies of a pamphlet entitled "Nebraska," were published in both the English and German

languages, containing a brief account of Nebraska's location and climate, its soil, timber, water, minerals, fruits, &c., its advantages for stock-raising, its market facilities, its schools, the price and demand for labor, its cheap lands, and free homesteads, the routes and expenses of getting to Nebraska, and such other information as might be valuable to immigrants and persons designing to locate in the West. Many of these have been distributed through the States, in Canada, and in Europe, while extracts have been published in several newspapers of both languages.

The limited appropriation made for the objects contemplated by the act, two thousand dollars, rendered it impracticable after the expenditure of the money to defray the publication of the pamphlet, and expenses incident to the meeting of the Board, to appoint an Agent whose duty among others it should be to visit the different States and Canadas, much less to visit foreign countries and aid immigration to Nebraska, or even to employ a competent person at any particular location, whose sole business should be in the interest of Nebraska. Traveling expenses in the one case and office rents and incidental expenses in the other, with reasonable salary, would have exceeded the amount remaining at the disposal of the Board.

New York City being the great depot for foreign immigration, the Board has, at a moderate compensation, secured as agent the services of a gentleman who converses freely in both the English and German languages, as required by the act, and who is established there in an office and business quite consistent with devoting much of his time to his duties as such agent.

By this arrangement but about twelve hundred and fifty dollars of the appropriation has been expended by the Board. The amount remaining at the disposal of the Board is insufficient to continue its operations for much of the present year.

Books of subscription have been opened and agents in each County appointed to solicit donations and contributions in behalf of the enterprise, but as yet no response has been made.

The immigration into Nebraska the past season has been unusually great. The testimony from each County and Precinct and the increase of votes from June to October prove a rapid increase in population while the reports of our different land offices show an actual settlement into the Territory made in advance of that transpiring in almost any other State or Territory.

When it is reflected how much this rapid increase in population must add to our wealth, estimated safely at not less than one thousand dollars for each immigrant, and our present happy financial condition is considered, it seems that no reasonable effort should be lost to invite immigration among us.

For the purpose of maintaining efficient agents at home and sending one or more abroad, and to meet the incidental expenses necessarily incurred, not

less than five thousand dollars should be appropriated to be expended in a manner to be decided by the Board or in such manner as the Legislature may direct, while a much greater sum might be appropriated with advantage to the Territory.

A. SAUNDERS,

Governor and ex-officio Prest. of Board.

L. CROUNCE, *Secretary.*

Mr. Freeman presented the following resolution:

Resolved, That a copy of the telegram or a copy of the communication sent to officials at Washington on or about the commencement of this session of the Legislature by Mr. Presson & Co. or by one or more members of this Council relative to the public and incidental printing of the Territory, be presented to this body for consideration prior to and for the purpose of placing the same upon the daily Journal.

Mr. Presson moved the rules be suspended and the resolution adopted which was agreed to.

The following notices of bills were given:

By Mr. Reeves,

An act in relation to wire fences.

By Mr. Wardell,

An act to amend chapter forty-six (46) of the Revised Statutes of Nebraska.

By Mr. Sheldon,

An act to amend an act of part first of chapter first of section twenty-nine of the Revised Statutes to define a lawful fence.

Council File No. 11—An act to vacate a part of the town of Table Rock was read the first time; the rules were suspended and the bill read the second time and referred to the Committee on Incorporations.

Council File No. 12—An act to amend chapter 46 of the Revised Statutes.

Was read the first time.

Council File No. 13—An act to encourage the cultivation of fruit, forest, and ornamental trees was read the first time. The rules were suspended and the bill read the second time and referred to Committee on Agriculture.

Council File No. 14—An act for the relief of William McLennan.

Read the first time.

Council File No. 5—An act to protect settlers on land in the Territory of Nebraska.

Read the second time and referred to the Committee on Judiciary.

Council File No. 6—An act for the relief of J. M. Siglin, Sheriff of Richardson County.

Read the second time and referred to committee on Ways and Means.

By Mr. Doom,

An act to locate a Territorial Road from Plattsmouth to the Blue River at or near the center of Seward County.

Also,

An act for the relief of John McCommion.

Mr. Stewart introduced

A bill for an act to regulate the toll of mills and define the duty of millers.

Also,

A bill for an act to vacate a part of the town of Table Rock.

Mr. Neligh introduced

A bill for an act to encourage the cultivation of fruit, forest and ornamental trees.

Mr. Reeves introduced

A bill for an act for the relief of William McLennan.

Council File No. 10—An act to regulate the toll of mills and define the duties of millers.

Was read the first time; the rules were suspended and the bill read the second time and referred to the Committee on Agriculture.

Council File No. 7—An act authorizing County Commissioners to employ Attorneys in certain cases. Read the second time and referred to the Committee on Judiciary.

Council File No. 8—An act to amend section 34, chapter 19 of the Revised Statutes.

Read the second time and referred to Committee on Judiciary.

Council File No. 9—An act to prescribe the fees and define the duties of certain officers and for other purposes.

Read the second time and referred to Committee on Ways and Means.

A message from the House by Mr. Bowen, its Chief Clerk:

Mr. President—I am instructed to inform the Council that Messrs. Parmelee, Harvey, and Daily have been appointed a committee on the part of the House to confer with a like committee on the part of the Council in reference to joint rules of the two Houses; and the said committee are re-

requested to report as soon as possible, in order that the rules may be printed. The concurrence of the Council is requested.

Mr. Baumer moved that a standing committee of three on Immigration be appointed.

Which was agreed to, and Messrs. Baumer, Sheldon, and Freeman were appointed.

Mr. Doane moved that a committee of two be appointed to act with the committee of the House in reference to joint rules of the two Houses and that the Chief Clerk inform the House.

Which was agreed to and Messrs. Doane and Majors were appointed.

Mr. Presson moved that the Chief Clerk be instructed to inform the Hon. A. S. Paddock, Secretary of the Territory, that we have made arrangements for the incidental printing of the Council during the present session.

Mr. Doane moved to amend the motion by adding "and to ascertain from the Secretary whether he will pay for the printing thus provided for, and that the Clerk report to this body his action under this motion."

Mr. Doom moved to lay the amendment on the table, which was agreed to.

The question recurring on the motion of Mr. Presson,

Mr. Doane moved to lay the motion on the table.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—8.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, and Stewart—6.

So it was not agreed to.

Mr. Doane moved to amend by inserting "that he inform the Secretary by whom the printing is to be done and the price"

Mr. Stewart moved to lay the amendment on the table.

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doom, Majors, Neligh, Presson, Sheldon, and Stewart—7.

Nays—Messrs. Bates, Doane, Freeman, Reeves, and Wardell—5.

So it was agreed to.

Mr. Doane moved to amend by adding "and that the Chief Clerk be directed to inform the Council what arrangements he has made for said printing, with whom, the contract price, &c."

Mr. Presson moved to lay the amendment on the table, which was agreed to.

A message from the House by Mr. Bowen, its Chief Clerk:

Mr. President—I am authorized by the House to inform the Council that the House has passed

House File No. 7—Joint Resolution and memorial to Congress, praying for the establishment of a mail route from Elkhorn Station in Douglas County.

House File No. 6—Joint resolution and memorial praying for an appropriation to pay for damages committed by the Cheyenne and Sioux Indians in the Platte Valley, Nebraska Territory, in the years 1864, 1865 and 1866.

The concurrence of the Council is requested.

Also to inform the Council that the House has adopted the report of the Committee on Joint rules.

The question recurring on the motion, Mr. Sheldon offered the following resolution as a substitute for the motion:

Resolved, That the Chief Clerk be instructed to inform the Secretary of the Territory that this Council has instructed the Chief Clerk of the Council to procure the incidental printing ordered by the Council.

Which was agreed to.

Mr. Doane asked that the resolution be laid over under the rules.

The chair decided that the resolution was properly before the Council.

Mr. Doom moved to adjourn to half-past two o'clock.

Which was not agreed to.

The question recurring on the resolution, Mr. Presson moved the previous question, which was seconded.

The question being, Shall the main question now be put?

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doom, Majors, Neligh, Presson, Sheldon, and Stewart—8.

Nays—Messrs. Doane, Freeman, Reeves, and Wardell—4.

So it was decided in the affirmative.

The question being, Shall the resolution be now adopted?

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doom, Majors, Neligh, Presson, Sheldon, and Stewart—8.

Nays—Messrs. Doane, Freeman, Reeves, and Wardell.

So the resolution was adopted.

Mr. Reeves moved that the Council resolve itself into a committee of the whole on the Governor's message.

Which was agreed to.

Mr. Reeves in the Chair.

After some time the committee arose and by its Chairman reported that it had considered the Governor's message and recommended that the parts

thereof pertaining to the several subjects be referred to the appropriate committees, viz.:

So much of said message as treats—

Finances, to the Committee on Ways and Means,

Revision of laws, to the Committee on Judiciary,

Homesteads and Public Lands, to the Committee on Federal Relations,

Immigration, “ “ “ Immigration,

Geological Survey, “ “ “ Expenditures,

Platte River Bridge, “ “ “ Bridges,

Union Pacific Railroad, “ “ “ Highways,

Education, “ “ “ Education,

State Government, “ “ “ Federal Relations,

Impartial Suffrage, “ “ “ Elections,

Peace and Union, “ “ “ Federal Relations.

The report was adopted.

Mr. Stewart moved that the Chief Clerk be instructed to procure the printing of fifty copies of the lists of the standing committees of this body for the use of the officers and members of the same.

Which was agreed to.

The President appointed the following gentlemen as the committee provided for by the motion of Mr. Presson relative to the dispatches from the Secretary of the Territory to Secretary McCulloch, adopted yesterday, to-wit: Messrs. Presson, Baumer, and Sheldon.

Mr. Doom moved that a committee of two be appointed to wait upon his Excellency the Acting Governor and request him to communicate to the Council the reports of the Territorial Treasurer and Auditor.

Which was agreed to and Messrs. Doom and Doane were appointed.

Upon motion of Mr. Doane, the Clerk was directed to inform the House that Messrs. Doom, Baumer and Presson were appointed a committee to act in concurrence with the committee of the House upon that portion of the Governor's message as relates to the withdrawal of public lands from market for the benefit of the Burlington and Missouri Railroad.

Upon motion of Mr. Doane, the Council adjourned till 10 o'clock to-morrow.

COUNCIL CHAMBER,
Thursday, January 17, 1867. }

Council met pursuant to adjournment.

President in the Chair.

Prayer by the Chaplain.

Roll called; absent, Messrs. Doane and Reeves.

Journal read and approved.

Mr. Doom, from the committee appointed yesterday to wait upon the Acting Governor and request him to furnish the Council with the reports of the Territorial Treasurer and Auditor, reported that the committee had attended to that duty, and were informed by the Acting Governor that he would communicate to the Council upon that subject to-morrow.

Mr. Wardell presented the following resolution:

Resolved, That the Sergeant-at-Arms elected by and qualified as an officer of this honorable Council, be and he is hereby requested instanter to show cause, if any there exists, why he has not complied with the will of this honorable Council as expressed by the unanimous adoption of, on Monday last past, during the regular session held on that day, January 14, 1867, of the following:

Resolved, That the Sergeant-at-Arms be and is hereby instructed to procure, to be displayed from its appropriate place on this Capitol, our national colors, during the present session.

Objection being made by Mr. Doom, the resolution was laid over, under the rule.

The following notices of bills were given:

By Mr. Neligh,

A memorial and joint resolution relative to a mail route.

By Mr. Majors,

A bill for an act to fix the age of majority in Nebraska Territory.

By Mr. Rogers,

A bill to attach Logan Precinct, of Washington County, to Dodge County.

By Mr. Presson,

A bill to amend chapter 6, title 7, of the Revised Statutes of Nebraska.

Also,

An act to amend chapter 16 of the Revised Statutes of Nebraska, entitled "divorce and alimony."

Also,

An act to repeal sections 325 and 326, on pages 448 and 449, of the Revised Statutes.

House File No. 6—Joint resolution and memorial to Congress, praying for the establishment of a mail route from Elkhorn Station, in Douglas County, to Lancaster, in Lancaster County.

Read the first time; rules suspended and read the second time by its title, and committed to the Committee on Federal Relations.

House File No. 7—Joint resolution and memorial, praying for an appropriation to pay for damages committed by the Cheyenne and Sioux Indians, in the Platte Valley, Nebraska Territory, in the years 1864, 1865, and 1866.

Read the first time; the rules suspended and the bill read the second time by its title, and referred to a special committee, consisting of Messrs. Doane, Majors, and Sheldon.

Mr. Doom introduced

Council File No. 15—A bill for an act for the relief of John McCammon.

Read the first time; rules suspended and the bill read the second time, and referred to the Committee on Expenditures.

Mr. Freeman introduced

Council File No. 16—A joint resolution for a special geological survey of the Republican Valley.

Read the first time; rules suspended and the bill read the second time, and referred to Committee on Expenditures.

Mr. Reeves introduced

Council File No. 17—A bill for an act to legalize wire fences.

Read the first time.

Council File No. 12—A bill to amend chapter 46 of Revised Statutes of Nebraska, entitled "revenue."

Read the second time and referred to the Committee on Finances.

Council File No. 14—A bill for an act for the relief of Wm. McLennan.

Was read the second time and referred to the Committee on Expenditures.

Council File No. 3—A bill for act to authorize the Board of Education of Brownville City School District to raise money to finish and complete a central high-school building, and to pay off the indebtedness heretofore incurred in erecting and finishing said school building.

Upon motion of Mr. Doane, the Council resolved itself into Committee of the Whole on said bill, Mr. Doane in the chair.

After some time the Committee rose and by their Chairman reported progress.

Mr. Presson moved that a committee of three be appointed to wait upon the Hon. A. S. Paddock, Secretary of the Territory, and request him to procure our national flag, at his earliest convenience, for the purpose of displaying the same in some conspicuous place in this Council Chamber.

Mr. Doane moved to amend by striking out the words "Secretary of the Territory," and inserting the words "Chief Clerk."

Mr. Reeves moved to amend by inserting "that the Sergeant-at-Arms be instructed to procure and display the national colors above the President's desk."

Mr. Doane accepted amendment of Mr. Reeves as a substitute.

Amendment agreed to.

Mr. Doom moved that the whole subject matter be laid upon the table.

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doom, Majors, Neligh, Sheldon, and Stewart—6.

Nays—Messrs. Doane, Freeman, Presson, Reeves, and Wardell—5.

Laid upon the table.

A communication from the Secretary of the Territory, was received, as follows:

SECRETARY'S OFFICE, OMAHA, NEBRASKA,
January 16, 1867. }

The Honorable, the Council of the Legislative Assembly:

GENTLEMEN—I have the honor to acknowledge the receipt of a communication from your honorable body, through the Chief Clerk thereof, notifying me that you have instructed him to procure the "incidental printing" for the Council during its present session.

I beg leave to respectfully refer you to my communication, placed in the possession of your honorable body on the morning of the second day of your session, by which you were notified that I had contracted with Barkalow Bro.'s for the current printing of the Legislative Assembly.

Your Clerk understands, of course, that he is not an officer of the United States capable of making such contracts for the expenditure of the Federal monies, and that he is bound by the contracts of the Secretary, who is charged specially with that duty under bonds for its faithful performance. Your notification to me that he is authorized by you to procure the printing, satisfies my mind that this is understood, and I shall therefore cause all orders placed in his hands by your honorable body to be speedily and faithfully executed. I shall keep a complete and accurate account of all that is

done, and notify you if your orders are likely to exceed the fund which may be properly used for such printing.

I have the honor to be

Very respectfully your ob'dt servt,

A. S. PADDOCK, Secretary.

Mr. Doane, from the Committee upon Joint Rules, submitted the following report:

Mr. President—Your committee appointed to confer with the committee of the House, on the subject of joint rules for two Houses, beg leave to report:

That your committee, after conference with the committee of the House on the subject matter referred to them, agreed to report the joint rules adopted by the Tenth Session of the Legislative Assembly of this Territory, and recommend their adoption as the joint rules of the present session.

Respectfully submitted.

GEO. W. DOANE,

THOMAS J. MAJORS,

Committee.

Upon motion of Mr. Reeves, the report was adopted.

Mr. Baumer moved that the report of the Board of Immigration be referred to the Committee on Immigration.

Which was agreed to.

Upon motion of Mr. Stewart, the Council adjourned to 10 o'clock tomorrow.

COUNCIL CHAMBER,

Friday, January 18, 1867.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called; absent, Messrs. Bates, Doane, and Presson.

Journal read and approved.

Mr. Neligh presented a petition from the citizens and voters of Washington County, relative to a change of Logan Precinct.

Which was referred to the Committee on Counties.

Mr. Presson, from the Committee on Finance, Ways, and Means, reported

Council File No. 6—A bill for an act for the relief of J. M. Siglin,
 Sheriff of Richardson County,
 With amendment.

Mr. Doom, from the Committee on Federal Relations, submitted the following report relative to that portion of the Governor's Message which treats of Peace and Union:

Mr. President—The Committee on Federal Relations, to whom was referred so much of Acting Governor Paddock's message as relates to "Peace and Union," have had the same under consideration, and respectfully report:

That while we do not question the right of the Executive to recommend to the Legislature such measures and sentiments as to him shall seem proper, we hold that the Legislature has the right to adopt or reject the suggestions, or in any respectful manner to express their views upon the same. Entertaining these opinions, your committee feel that it is due to their constituents and to themselves, most respectfully to recommend the adoption of the following resolution:

Resolved, That the sentiments expressed by Acting Governor Paddock in his message to this Legislature, concerning the peace and union of the United States, are not in accordance with the views of a large majority of the citizens of this Territory.

That while we most heartily respond to the sentiments expressive of devotion to the Union contained in said message, and yield to none in an earnest desire to restore fraternal feeling between the different sections of our common country, we are of the opinion that perfect "peace" cannot be restored or a permanent "union" established except upon such conditions as shall guarantee to all persons equal rights before the law. Believing such to be the case, this Council respectfully but earnestly express their dissent to that portion of the Acting Governor's message under the head of "Peace and Union."

All of which is respectfully submitted.

J. E. DOOM,
 WM. BAUMER,
 W. A. PRESSON.

The following notices of bills were given:

By Mr. Stewart,

A memorial and joint resolution for a daily mail route from America, Kansas, to Columbus, Nebraska, via Pawnee City, Tecumseh, and other intermediate points.

By Mr. Doom,

A bill for an act to define the duties of County Treasurer, and for other purposes.

By Mr. Sheldon,

A bill to further define the duties of Supervisors and County Commissioners in relation to highways.

Council File No. 18—Memorial and joint resolution relating to a mail route.

Read twice and referred to a special committee, consisting of Messrs. Neligh, Wardell, and Majors.

Mr. Stewart introduced

Council File No. 19—A bill for an act to equalize the apportionment of Councilmen and Representative Districts of Nebraska Territory.

Read the first time,

Mr. Majors introduced

Council File No. 20—A bill for an act to fix the age of majority in Nebraska Territory.

Read first time, rules suspended and the bill read the second time by its title, and referred to the Committee on Judiciary.

Mr. Doom introduced

Council File No. 21—A bill for an act to locate a Territorial road from Plattsmouth to the Blue River, in Seward County.

Was read the first time; the rules were suspended, and the bill read the second time by its title, and referred to Committee on Highways.

Mr. Freeman introduced

Council File No. 22—A memorial and joint resolution asking the Honorable Secretary of War to establish a fort or sub-military post on or near the Republican River.

Which was read the first time, the rules suspended and the bill read the second time by its title, and referred to the Committee on Military Affairs.

Mr. Presson introduced

Council File No. 23—A bill for an act to amend chapter 6, of title 7, of the Revised Statutes of Nebraska.

Which was read the first and second time, referred to Committee on Judiciary.

Also,

Council File No. 24—A bill for an act to amend chapter 16, of the Revised Statutes of Nebraska, entitled "divorce and alimony."

Was read the first and second time, and referred to the Committee on Judiciary.

Also,

Council File No. 25—A bill for an act to repeal sections 325 and 326, on pages 448 and 449, of the Revised Statutes of Nebraska.

Read the first and second time, and referred to the Committee on Judiciary.

Council File No. 17—An act to legalize wire fences.

Was read the second time, and referred to the Committee on Agriculture.

Council File No. 3—A bill for an act to authorize the Board of Education of Brownville City School District to raise money to finish and complete a central high-school building, and to pay off the indebtedness heretofore incurred in erecting and finishing said school building.

The Council resolved itself into Committee of the Whole on said bill, Mr. Doane in the chair. After some time the committee arose and by the Chairman reported the bill with certain amendments.

The resolution of Mr. Wardell, offered yesterday, in relation to the Sergeant-at-Arms' placing the national flag upon the dome of the Capitol, and inquiring why the directions of the Council had not been complied with, was called up.

Mr. Doane moved to indefinitely postpone.

Mr. Doom moved that the whole subject matter be laid on the table.

A call of the House was demanded:

The roll was called; absent, Messrs. Sheldon and Bates.

Upon motion of Mr. Doom, the Sergeant-at-Arms was dispatched after absent members.

Upon motion of Mr. Majors, the Council took a recess of five minutes.

The Council was called to order, Messrs. Bates and Sheldon present.

Upon motion of Mr. Stewart, all further proceedings under the call were dispensed with.

The question being upon the motion of Mr. Doom to lay on the table,

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doane, Doom, Freeman, Majors, Neligh, Presson, Sheldon, and Stewart—9.

Nays—Messrs. Bates, Reeves, and Wardell—3.

So the motion prevailed.

Mr. Doane, on leave, introduced

Council File No. 26—An act to amend the code of civil procedure,

passed at the Eleventh Session of the Legislative Assembly of the Territory of Nebraska, and for other purposes.

Also,

Council File No. 27—An act to amend the law regulating interest.

Also,

Council File No. 28—An act to revive and continue in force the act to allow the funding of the indebtedness of the Territory, approved January 11, 1861.

Which was read the first and second time, and referred to the Committee on Finance.

Mr. Freeman offered the following motion:

That, in accordance with a previous decision in favor of the Omaha Republican by the Council and House of Representatives about the beginning of the present session of the Legislative Assembly, the Chief Clerk be and he is hereby directed to request our honorable Delegate in Congress to inform the Honorable the Senate and House of Representatives of the United States that we, as a Territory, are not constitutionally prepared to undertake or assume the responsible State functions, which alone belong to State, and House of Representatives are manifestly disposed to impose upon us under a Territorial organization.

Upon motion of Mr. Stewart, it was laid upon the table.

Upon leave, Mr. Presson submitted the following report of special committee;

Mr. President—Your committee appointed to wait upon the Hon. A. S. Paddock, Secretary of the Territory, and request him to furnish this Council, at his earliest convenience, a certified copy of the dispatch sent by him to Secretary McCulloch, on or about January 11, 1867, respecting the subject of printing, together with the reply thereto, have discharged said duty, and beg leave to report:

The Secretary informed us that he would consider the request of this honorable body, and if he conclude the public interest require such, he will communicate the same.

All of which is respectfully submitted.

Signed on behalf of the committee,

W. A. PRESSON.

Upon motion of Mr. Neligh, the Council adjourned till to-morrow at 10 o'clock.

SATURDAY, JANUARY 19, 1867.

COUNCIL CHAMBER,
Saturday, January 19, 1867.

Council met pursuant to adjournment,
President in the chair.

Prayer by the Chaplain.

Roll called; absent, Messrs, Bates and Doane,
Journal read and approved.

Mr. Stewart from Committee on expenditures reported
Council File No. 14—An act for the relief of Wm. McLennan,
Without amendment.

Also,
Council File No. 15—An act for the relief of John McCammon,
Recommending its passage with amendment.

Mr. Doom from the Committee on Judiciary reported
Council File No. 7—An act to authorize County Commissioners to employ attorneys in certain cases,
With amendment.

Also,
Council File No. 8—An act to amend section 34 of chapter 19 of the Revised Statutes,

With amendment,
Mr. Sheldon from Committee on Agriculture reported
Council File No. 10—An Act to regulate the toll of mills and define the duties of millers in Nebraska Territory,
Without recommendation.

Also,
Council File No. 13—An act to encourage the cultivation of fruit, forest, and ornamental trees in the Territory of Nebraska,

With amendment.

Mr. Majors, from the Committee on Elections, submitted the following report:

Mr. President—Your committee to whom was referred that part of the Governor's message which relates to impartial suffrage, has duly considered the same and beg leave to report as follows:

That while the recommendation of impartial suffrage commends itself to our favorable consideration, as a step in advance of our present restricted rule of Suffrage, your committee are satisfied that it is not broad enough to meet the views and desires of the people of Nebraska, inasmuch as we confidently believe that they are averse to any restrictions on account of race

or color which will debar any male citizen over the age of twenty-one years, except Indians not taxed, from equal rights and privileges under the law;

T. J. MAJORS,
J. E. DOOM,

Mr. Neligh, from special Committee, reported

Council File No. 18—A memorial and joint resolution relative to a mail route,

Recommending its passage without amendment.

The following notices of bills were given:

By Mr. Presson,

An act to restrain sheep and swine from running at large in the Territory of Nebraska.

Mr. Doane introduced

Council File No. 26—An act to amend the code of civil procedure passed at the 11th session of the legislative assembly of the Territory of Nebraska, and for other purposes, which was read the first and second time and referred to the Committee on Judiciary.

Also,

Council File, No. 27—An act to amend the law regulating interest

Which was read the first and second time and referred to the same committee.

Mr. Doom,

Council File No. 29—An act to further define the duties of County Treasurer and for other purposes.

Which was read the first and second time and referred to Committee on Finance.

Mr. Reeves introduced

Council File No. 30—An act to amend chapter 46 of the Revised Statutes entitled "revenue."

Which was read twice and referred to Committee on Finance.

Mr. Rogers introduced,

Council File No. 31—An act to attach Logan Creek Precinct to Dodge County and to establish a proper boundary line between Dodge and Washington Counties.

Which by suspension of the rules was read twice and referred to Committee on Counties.

Council File No. 19—An act to equalize the apportionment of the Council and Representative District of the Territory of Nebraska.

Was read the second time.

SATURDAY, JANUARY 19, 1867.

Mr. Doane moved that the bill be referred to the Committee on Public Buildings.

Mr. Doane move to amend by substituting Committee on Elections. Which was not agreed to.

The bill was referred to Committee on Public Buildings.

Council File No. 6—An act for the relief of J. M. Siglin, Sheriff of Richardson County.

Council resolved itself into a Committee of the Whole upon said bill, Mr. Presson in the chair.

After some time the Committee arose and reported, recommending that the bill be recommitted to the Committee on Expenditures, with instructions that the Committee ascertain of the Territorial Auditor why the account had not been paid when presented to him.

The report was adopted.

The Committee on Enrolled and Engrossed bills reported Council File No. 3 correctly engrossed.

Council resolved itself into Committee of the Whole on

Council File No. 3—An act to authorize the Board of Education of Brownville City School District to issue bonds to raise money to furnish and complete the central high-school building, Mr. Doane in the chair.

After some time the committee arose and reported recommending that the bill pass, with certain amendments.

The bill was then read the third time, passed and the title agreed to.

Mr. Baumer asked that the following be entered upon the Journal:

Mr. President—I hereby respectfully state that I do not agree with the resolution of the standing committee on elections in regard to that part of the Governor's message concerning impartial suffrage—the resolution was signed by the chairman of of the committee, and I desire that my name, as a member of said committee, should appear in the Journal as opposed to the resolution.

WM. BAUMER.

Mr. Doane moved that the Chief Clerk be directed to inform this body whether he has made any contract for procuring the incidental printing for the present session and if so, with whom and at what rates and if such contract has been made that he inform this body what arrangements he has if any for procuring such printing and that he report in writing.

Which was agreed to.

The Council resolved itself into a Committee of the Whole on

Council File No. 14—An act for the relief of Wm. McLennan.

Mr. Reeves in the chair.

After some time the committee arose and reported, recommending that the bill be recommitted to Committee on Expenditures.

It was so ordered.

Upon the motion of Mr. Majors Council adjourned till to-morrow at 10 o'clock.

COUNCIL CHAMBER,
Monday, January 21, 1867. }

Council met pursuant to adjournment.

President in the Chair.

Prayer by the Chaplain.

Roll called; absent, Mr. Doane.

Journal read and approved.

Mr. Neligh presented three remonstrances from citizens of Washington County against detaching Logan Precinct from Washington County or changing the boundary line of Washington County.

Which were read and referred to the Committee on Counties.

The following notices of bills were given:

By Mr. Bates,

A joint resolution and memorial for a tri-weekly mail route from Dakota City, Dakota County, to Niobrarah in L'eau-qui-Court County, Nebraska.

By Mr. Majors,

An act to amend section second of chapter second of the Revised Statutes of Nebraska Territory, entitled "apportionment."

Mr. Stewart introduced

Council File No. 32—A memorial and joint resolution relative to a daily mail route from America, Kansas, via Pawnee City, Tecumseh and other points to Columbus, Nebraska.

The rules were suspended and the bill read twice and referred to the Committee on Federal Relations.

Upon motion of Mr. Doom the Council resolved itself into Committee of the Whole upon bills reported from committees, Mr. Doom in the chair.

After some time the committee arose and reported.

MONDAY, JANUARY 21, 1867.

Council File No. 7—An act to authorize County Commissioners to employ attorneys in certain cases,

With amendments.

Also,

Council File No. 8—An act to amend section thirty-four of chapter nineteen of the Revised Statutes.

With amendment and recommended their passage.

Also,

Council Files No. 10 and 13, and recommended that the same be indefinitely postponed.

Also,

Also Council File No. 15—An act for the relief of John McCammon.

With amendments and recommended its passage.

Also,

Council File No. 18—A memorial and joint resolution relative to a mail route.

Without amendment and recommend its passage.

The report was adopted.

Mr. Reeves moved that the bills reported with recommendations for passage be ordered engrossed for third reading to-morrow,

Which was agreed to.

A message from the House by Mr. Brewster, Assistant Clerk:

Mr. President—Messrs. Kelley, Fuller, and Curran have been appointed a committee on the part of the House to act with a like committee on the part of the Council to examine into the condition of the Territorial prisoners now held in custody of the Sheriff of Douglas County, and said committee are requested to report at an early day.

The concurrence of the Council is requested.

JOHN S. BOWEN, *Chief Clerk*.

The following report of the Chief Clerk in response to the resolution passed Saturday in relation to arrangements made for printing, was read:

Mr. President—In compliance with the will of the Council as expressed in the resolution of the 19th inst., I would report that I have made arrangements with Maj. St. A. D. Balcombe to furnish what printing I may order under the direction of the Council for the present session, in accordance with the conditions specified in the resolutions of the Council in regard to Printing and at such rates as the Secretary of the Treasury of the United States may see fit to allow.

Respectfully,

O. B. HEWETT, *Chief Clerk*.

Upon motion of Mr. Reeves the report was ordered to be entered upon the Journal.

Mr. Doane moved that a committee of two be appointed to act in conjunction with a like committee appointed by the House to examine into the condition of the Territorial prisoners, now held in custody of the Sheriff of Douglas County.

Which was agreed to, and Messrs. Doane and Doom were appointed said committee.

Mr. Wardell, on leave, introduced Council File No. 33.

Upon motion of Mr. Doane, Council adjourned till 10 o'clock to-morrow.

COUNCIL CHAMBER,

Tuesday, January 22, 1867.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called; absent, Mr. Doane.

Journal read and approved.

Mr. Reeves presented a petition and memorial of 444 citizens of Nebraska asking for a general herd law.

Read and referred to Committee on Agriculture.

Mr. Majors presented a petition asking the allowance of salaries to Probate Judges.

Referred to Committee on Judiciary.

Mr. Doom, from the Committee on Judiciary, reported

Council File No. 5—A bill for an act to protect settlers on lands in the Territory of Nebraska,

Recommending that the same be printed.

Mr. Neligh, from the Committee on Public Buildings, reported

Council File No. 4—An act to provide for the protection of public buildings and the appointment of jailers,

With amendments.

Mr. Presson, from the Committee on Finances, reported
Council File No. 12—A bill to amend chapter 46, of the Revised Statutes of Nebraska, entitled, "revenue,"
Without amendment.

Mr. Sheldon, from the Committee on Agriculture, reported
Council File No. 17—An act to legalize wire fences,
And recommended as a substitute an act to define a lawful fence, and for other purposes.

Mr. Sheldon, from the Committee on Highways, reported
Council File No. 21—An act to locate a Territorial road from Platts-
mouth to the Blue River, in Seward County,
Without amendment, and recommended its passage.

Mr. Presson, from the Committee on Finances, reported
Council File No. 28—A bill for an act to revive and continue in force the
act to allow the funding of the indebtedness of the Territory, approved Jan-
uary 11, 1861.
With amendment.

Mr. Stewart, from the Committee on Engrossed Bills, reported Council
Files Nos. 7 and 8 correctly engrossed.

Mr. Stewart offered the following:

Resolved, That the Chief Clerk be requested to procure the printing of
thirty copies of the rules of the Council, together with thirty copies of the
joint rules of both Houses.

Mr. Presson presented a joint resolution on Federal Relations.

The following notices of bills were given:

By Mr. Baumer,

An act to incorporate the Omaha Gymnastic Society—Omaha Turnverein.

By Mr. Freeman,

An act to amend section 33, of page 145, of the Revised Statutes.

By Mr. Majors,

An act to allow salaries to the Judges of Probate of Nebraska Territory.

Also,

To amend section 11, of chapter 3, of the Revised Statutes of Nebraska,
entitled "attorneys."

Mr. Wardell introduced

Council File No. 33—An act to vacate all alleys in blocks 19 and 20, in
Prairie City Addition to Nebraska City.

Which was read twice and referred to the Committee on Incorporations.

Mr. Doane introduced

Council File No. 34—An act to amend chapter 4, of the code of civil procedure, and chapter 25 of the criminal code, passed at the Eleventh Session of Legislative Assembly of Nebraska.

Which was read twice and referred to the Committee on Judiciary.

Mr. Reeves introduced

Council File No. 35—A memorial and joint resolution relative to a land grant.

Read first and second time, and referred to the Committee on Highways.

Mr. Presson introduced

Council File No. 36—An act to restrain sheep and swine from running at large in Nebraska.

Which was read twice, and referred to the Committee on Agriculture.

A message from the House by Mr. Bowen, its Chief Clerk :

Mr. President—The House has passed bills of the following titles, viz. :

House File No. 2—An act to confirm the title of William Henry Darlington to certain real estate in the city of Omaha.

House File No. 3—An act to confirm the title of George Hindley to certain real estate in the city of Omaha.

House File No. 19—Memorial and joint resolution relative to a mail route from Columbus to Yankton.

House File No. 21—An act to authorize the County Commissioners of Platte County to raise money to build a court-house and jail.

In which I am directed to ask the concurrence of the Council.

Mr. Wardell introduced

Council File No. 37—A bill to amend the replevin law.

Which was read twice, and referred to the Committee on Judiciary.

Mr. Majors introduced

Council File No. 38—An act to amend section 2, of chapter 2, of the Revised Statutes, entitled "apportionment."

Mr. Presson introduced

Council File No. 39—A joint resolution on Federal Relations.

Read the first time.

Upon the motion of Mr. Reeves, the Council resolved itself into Committee of the Whole upon

Council File No. 30—An act to amend chapter 46, of the Revised Statutes, entitled "revenue,"

Mr. Reeves in the Chair.

After some time the committee arose and reported, recommending that the bill be printed.

The report was adopted, and the bill ordered to be printed.

Upon motion of Mr. Doane, the Council resolved itself into a Committee of the Whole upon

Council File No. 28—An act to revive and continue in force the act to allow the funding of the indebtedness of the Territory of Nebraska, approved January 11, 1861,

Mr. Doane in the Chair.

After some time the committee arose and reported, recommending the adoption of the bill with an amendment.

The report was adopted, and the bill ordered engrossed for third reading.

Mr. Presson moved that a committee of three be appointed to draft a memorial to Congress, for an appropriation of fifty thousand dollars, to construct a bridge across the Platte River, and to complete the military road from the Platte River to the Kansas line.

Which was agreed to, and Messrs. Presson, Reeves, and Sheldon were appointed the committee.

The Council then adjourned till half-past 2 o'clock, P. M.

AFTERNOON SESSION.

Mr. Stewart, from the Committee on Engrossed Bills, reported

Council File No. 15—An act for the relief of John McCammon,

Correctly engrossed.

Also,

Council File No. 18—A memorial and joint resolution relative to a mail route.

Mr. Presson, on leave, introduced

Council File No. 4—A memorial and joint resolution relative to a bridge across Platte River, and continuation of the military road from the Platte River to the Kansas line.

Which was read the first, second, and third time, passed, and the title agreed to.

Council File No. 7—An act to authorize County Commissioners to employ attorneys in certain cases,

Was read the third time and passed.

Upon motion, the Clerk was directed to add to the title "and for other purposes."

The title was then agreed to.

Council File No. 8—An act to amend section 34, chapter 19, of the Revised Statutes.

Was read the third time, passed, and the title agreed to.

Council File No. 15—An act for the relief of John McCammon,

Was read the third time, passed, and the title agreed to.

The report of the Committee on Printing, relative to a communication of Secretary Paddock on that subject, was called up, and Mr. Doom moved its adoption.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Majors, Neligh, Presson, Sheldon, and Stewart—6.

Nays—Messrs. Bates, Baumer, Freeman, Reeves, and Wardell—5.

So the report was adopted.

Mr. Doane moved that the Chief Clerk be instructed to report to the Council, in writing, whether or not he furnished St. A. D. Balcombe a certified copy of the resolution passed by this body on the — instant, instructing the Chief Clerk to procure the incidental printing for this body, with the proviso thereto attached, to-wit: That the Territorial Treasury shall not be liable for the expense of said printing, and if said copy was so furnished to the said Balcombe, as required by said resolution, that the Clerk report whether the same was done before any printing was procured under said resolution.

Which was agreed to.

The report of the Committee on Federal Relations, upon that part of the Governor's Message relative to "Peace and Union," being before the Council,

Mr. Doane moved to postpone the consideration of the report until Friday next.

Which was not agreed to.

Mr. Doom moved the adoption of the report.

Mr. Doane moved to amend the motion by substituting, "to go into the Committee of the Whole on that part of the Governor's Message which relates to "Peace and Union."

The amendment was not agreed to.

Mr. Doane moved to adjourn till 10 o'clock to-morrow.

Which was not agreed to.

Upon motion of Mr. Doom, the Council adjourned till half-past 7 o'clock this evening.

EVENING SESSION.

The Council was called to order at the hour adjourned to.

The question being upon the adoption of the report of the Committee on Federal Relations upon that part of the Governor's Message which relates to "Peace and Union,"

After considerable discussion, Mr. Doom moved the previous question, Which was seconded.

Mr. Wardell moved an amendment.

Mr. Doom objected that the motion was out of order.

It was so ruled.

The question being, Shall the main question now be put?

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Neligh, Presson, Sheldon, and Stewart—6.

Nays—Messrs. Bates, Reeves, and Wardell—3.

The question recurring upon the adoption of the report,

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doom, Majors, Neligh, Presson, Sheldon, Stewart, and Mr. President—8.

Nays—Messrs. Bates, Doane, Freeman, Reeves, and Wardell—5.

So it was adopted.

Mr. Presson moved that a printed copy of the report and resolution of the committee just adopted, be appended to each printed copy of the Acting Governor's Message.

The motion was seconded and the previous question demanded.

Mr. Wardell moved to amend,

Which was ruled out of order.

Mr. Reeves appealed from the ruling of the Chair.

The question being, Shall the decision of the Chair stand as the judgment of the House?

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Neligh, Presson, Sheldon, and Stewart—6.

Nays—Messrs. Bates, Reeves, and Wardell—3.

So the decision of the Chair was sustained.

The question being, Shall the main question now be put?

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Neligh, Presson, Sheldon, and Stewart—6.

Nays—Messrs. Bates, Reeves, and Wardell—3.

So it was decided in the affirmative.

The question recurring upon the motion of Mr. Presson,

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Neligh, Presson, Reeves, Sheldon, Stewart, and Mr. President—8.

Nays—Messrs. Bates, Baumer, Doane, Freeman, and Wardell—5.

So it was agreed to.

Mr. Reeves gave notice that on to-morrow he would move to reconsider the motion last adopted.

Mr. Wardell moved that the yeas and nays, upon the adoption of the report, be also appended to the printed copy.

Which was agreed to.

On motion of Mr. Stewart, the Council adjourned till 10 o'clock to-morrow.

COUNCIL CHAMBER,
Wednesday, January 23, 1867. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called; absent, Messrs. Bates and Doane.

Journal read and approved.

Messrs. Doane and Freeman asked that their names be entered among the nays, and Mr. Baumer asked that his name be entered among the yeas, in votes taken last evening upon the report of the Committee on Federal Relations, and upon the motion to print the same with the Governor's Message.

It was so agreed.

Mr. Presson, from the Committee on Incorporations, reported Council File No. 11—An act to vacate a part of the town of Table Rock, Nebraska Territory,

Without amendment, and recommended its passage.

Mr. Majors, from the Committee on Military Affairs, reported

Council File No. 22—A memorial and joint resolution asking the Honorable Secretary of War to establish a fort or sub-military post on or near the Republican River,

Without amendment, and recommended its passage.

Mr. Stewart, from the Committee on Expenditures, reported
Council File No. 16—A joint resolution for a special geological survey of
the Republican Valley,

Without recommendation.

Mr. Stewart, from the Committee on Engrossed and Enrolled Bills,
reported

Council File No. 28—An act to revive and continue in force the act to
allow the funding of the indebtedness of the Territory, approved January
11, 1861,

As correctly engrossed.

The following resolution was presented by Mr. Doane:

Resolved, That in the adoption of the resolution reported by the Committee on Federal Relations, to which was referred that part of the Governor's Message which relates to "Peace and Union," it is the sense of this Council that the words contained in said resolution, "that perpetual peace cannot be restored or a permanent union established except upon such conditions as shall guarantee to all persons equal rights before the law," are not intended to include equal suffrage to negroes and Indians.

Mr. Doom presented the following:

WHEREAS, Acting Governor Paddock, in the annual message, referred the Legislature to the reports of the Territorial Auditor and Treasurer for information upon various subjects, and

WHEREAS, The Acting Governor has not communicated those reports, although requested to do so by a special committee appointed for that purpose, and to whom he promised to transmit the said reports to the Council on the succeeding day; therefore be it

Resolved, That a committee of three be appointed to wait upon Acting Governor Paddock, and request that he deliver to them the reports of the Territorial Auditor and Treasurer, and in the event that the Acting Governor refuse to deliver the same, that the committee is hereby instructed to wait upon the Territorial Auditor and Treasurer, and request of them a copy of their annual reports for the use of the Council.

A message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed a bill of the following title, viz.:

House File No. 1—An act to create the office of tax collector in incorporate cities.

In which I am directed to ask the concurrence of the Council.

House File No. 2—An act to confirm the title of William Henry Darlington to certain real estate in the City of Omaha,

Was read the first time.

House File No. 3—An act to confirm the title of George Hindly to certain real estate in the city of Omaha,

Was read the first time.

House File No. 4—Memorial and joint resolution relative to a mail route from Columbus to Yankton,

Was read the first time.

House File No. 21—An act to authorize the County Commissioners of Platte County to raise money to build a court-house and jail,

Was read the first time.

Mr. Majors introduced

Council File No. 41—An act to allow salaries to the Judges of Probate of Nebraska Territory.

Was read the first and second time, and referred to the Committee on Judiciary.

Also,

Council File No. 42—An act to amend section 11, of chapter 3, of the Revised Statutes of Nebraska Territory.

Was read the first and second time, and referred to Committee on Judiciary.

Council File No. 38—An act to amend section 2, of chapter 2, of the Revised Statutes of Nebraska Territory, entitled "apportionment,"

Was read the second time, and referred to the Committee on Elections.

Council File No. 39—Joint resolution on Federal Relations,

Was read the second time, and referred to Committee on Federal Relations.

Upon motion of Mr. Sheldon, the Council resolved itself into Committee of the Whole upon

Council File No. 4—An act to provide for the protection of public buildings, and the appointment of jailers,

Mr. Sheldon in the Chair.

After some time the committee arose and reported, recommending that the bill be engrossed.

The report was adopted and the bill ordered engrossed.

Upon motion of Mr. Bates, the Council adjourned to half past 2 o'clock, P. M.

AFTERNOON SESSION.

Council met pursuant to adjournment.

Upon motion of Mr. Doom, the Council resolved itself into Committee of the Whole upon Council Files Nos. 12 and 17, Mr. Doom in the Chair.

After some time the committee arose, and by its chairman reported, recommending that

Council File No. 12—An act to amend chapter 46, of Revised Statutes of Nebraska, entitled "revenue,"

Be recommitted to Committee on Finance.

It was so ordered.

Also, that

Council File No. 17—An act to define a lawful fence, with certain amendments,

Be recommitted to Committee on Agriculture.

It was so agreed.

Council File No. 21—An act to locate a Territorial road from Platts-mouth to the Blue River, in Seward County,

Was ordered engrossed.

Council File No. 28—An act to revive and continue in force the act to authorize the funding of the indebtedness of the Territory, and for other purposes, approved January 11, 1861,

Was read the third time, passed, and the title agreed to.

In accordance with notice given yesterday, Mr. Reeves moved to reconsider the motion of Mr. Presson ordering the printing of the report of the Committee on Federal Relations upon that part of the Governor's Message relating to "Peace and Union," as adopted, with the message.

Mr. Majors moved to lay the motion to reconsider on the table.

Mr. Doane moved to adjourn.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Doane, Freeman, Reeves, and Freeman—5.

Nays—Messrs. Baumer, Doom, Majors, Neligh, Presson, Sheldon, Stewart, and Mr. President—8.

So it was not agreed to.

Mr. Doane moved a call of the House:

The roll was called; all present.

Mr. Doane moved to adjourn.

The yeas and nays were demanded :

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and Mr. President—7.

Motion to adjourn was not agreed to.

Mr. Majors moved the previous question, which was seconded.

Mr. Doane moved a call of the House.

The bar was ordered closed.

The roll called ; all answered.

Mr. Doane then moved to adjourn.

The yeas and nays were demanded :

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and Mr. President—7.

So it was not agreed to.

Mr. Doane moved a call of the House,

Which was ruled out of order.

An appeal was taken by Mr. Doane, who arose to discuss the question of order.

The President decided that while the previous question was pending, debate was not in order.

Mr. Doane appealed to the House.

The question being, Shall the decision of the Chair stand as the judgment of the House?

The yeas and nays were demanded :

Yeas—Messrs. Baumer, Doom, Majors, Neligh, Presson, Sheldon, and Stewart—7.

Nays—Messrs. Bates, Doane, Freeman, Reeves, and Wardell—5.

So the decision of the Chair was sustained.

Mr. Doane then moved to adjourn.

The yeas and nays were demanded :

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and Mr. President—7.

So it was not agreed to.

Mr. Baumer moved to take a recess of two hours.

Ruled out of order as equivalent to a motion to adjourn.

Mr. Doane appealed from the ruling of the Chair.

The question being, Shall the decision stand as the judgment of the House?

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doom, Majors, Neligh, Presson, Sheldon, and Stewart—7.

Nays—Messrs. Bates, Doane, Freeman, Reeves, and Wardell—5.

So it was decided in the affirmative.

Mr. Doane moved to adjourn.

Mr. Doom arose to a point of order, viz.: that the appeal last taken was not such business as would allow a renewal of the motion to adjourn.

The President decided the point as well taken.

Mr. Doane appealed to the House, and called the yeas and nays.

The appeal was ruled out of order.

Mr. Doane appealed from this decision, and called the yeas and nays.

The question being, Shall the decision of the Chair stand as the judgment of the House?

Yeas—Messrs. Doom, Majors, Neligh, Presson, Sheldon, and Stewart—6.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

So the decision was not sustained.

By consent, the question upon the motion to adjourn was then put,

The yeas and nays being called for:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and Mr. President—7.

So it was not agreed to.

Mr. Doane moved that the whole subject be indefinitely postponed.

The President ruled that a motion to postpone was not in order while the previous question was pending.

Mr. Doane appealed to the House.

The question being, Shall the decision of the Chair stand as the judgment of the House?

The yeas and nays were demanded:

Yeas—Messrs. Bates, Doane, Doom, Majors, Neligh, Presson, Sheldon, and Stewart—8.

Nays—Messrs. Baumer, Freeman, Reeves, and Wardell—4.

So the Chair was sustained.

The question recurring upon the previous question, viz.: Shall the main question now be put?

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doom, Majors, Neligh, Presson, Sheldon, Stewart, and Mr. President—8.

Nays—Messrs. Bates, Doane, Freeman, Reeves, and Wardell—5.

So it was decided in the affirmative.

The question now being upon the motion of Mr. Majors to lay the motion to reconsider on the table.

The yeas and nays were demanded:

Yeas—Messrs. Majors, Neligh, Presson, Sheldon, and Stewart—5.

Nays—Messrs. Bates, Baumer, Doane, Doom, Freeman, Reeves, and Wardell—7.

So it was not agreed to.

On motion of Mr. Stewart, the Council adjourned till 10 o'clock.

COUNCIL CHAMBER.

Thursday, January 24, 1867.

Council met pursuant to adjournment.

President in the Chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

Mr. Stewart presented a petition of Teresa Turner, of Pawnee County, asking for a divorce, and recommended by twenty-three citizens.

Referred to Committee on Judiciary.

Also,

Petition of citizens of Pawnee County praying for the repeal of an act to change the Territorial road from St. Stephens to a point on the military road from Leavenworth to Fort Kearney.

Referred to Committee on Highways.

Mr. Presson presented a remonstrance of citizens of Richardson County against a herd law.

Referred to Committee on Agriculture.

Message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed bills of the following titles, viz.:

House File No. 8—An act to authorize the Common Council of Nebraska City to make a further issue of bonds in aid of the high-school building fund of said city.

House File No. 10—An act to amend an act entitled “an act to incorporate the Peru Seminary and College.”

House File No. 11—An act to legalize the organization of Saunders County.

In which the concurrence of the Council is requested.

Mr. Presson, from the Committee on Finance, reported

Council File No. 9—An act to prescribe the fees and define the duties of certain officers, and for other purposes,

With amendments.

Also,

Council File No. 12—An act to amend chapter 46 of the Revised Statutes of Nebraska.

Mr. Sheldon, from Committee on Highways, reported

Council File No. 35—A memorial and joint resolutions relative to a land grant,

With amendment.

Mr. Doom, from the Committee on Federal Relations, reported

Council File No. 39—A joint resolution on Federal Relations,

Without amendment.

Also,

House File No. 6—A joint resolution and memorial to Congress for the establishment of a mail route from Elkhorn Station, in Douglas County, to Lancaster, in Lancaster County,

With amendment.

Also,

Council File No. 32—A memorial and joint resolution relative to a daily route from America, Kansas, *via* Pawnee City, Tecumseh, and other points, to Columbus, Nebraska,

With amendments.

Also, from the Committee on Judiciary,

Council File No. 24—An act to repeal sections 325 and 326, on pages 448 and 449 of the Revised Statutes.

To be indefinitely postponed.

Also,

Council File No. 26—An act to amend the code of civil procedure passed at the Eleventh Session of the Legislative Assembly of the Territory of Nebraska,

Without amendments.

Also,

Council File No. 24—An act to amend chapter 16 of the Revised Statutes, entitled “divorce and alimony,”

With amendment.

Mr. Stewart, from Committee on Engrossed Bills, reported
Council File No. 4—An act to provide for the protection of public build-
ings, and the appointment of jailers,
Correctly engrossed.

Mr. Freeman offered the following:

Resolved, That a committee of two be appointed on the part of the Coun-
cil, to act in conjunction with a committee of the House, in drafting a vote
of praise to the Union Pacific Railroad Company and its indefatigable
officers, for the marked progress which has been made in the construction of
that road, and for the inestimable advantages which our Territory has derived
therefrom.

Mr. Wardell moved to suspend the rules and act upon the resolutions
immediately.

It was agreed to.

The resolution was adopted, and Messrs. Freeman and Doom were ap-
pointed.

Mr. Stewart moved to suspend the rules and take up the resolution
instructing the Chief Clerk to procure thirty copies of the standing rules of
the Council, and joint rules of the two Houses.

Motion agreed to and the resolution adopted.

The following report of the Chief Clerk was read:

Mr. President—In response to the instructions of the Council, I would
state that I did present to Mr. Balcombe a certified copy of the resolutions
authorizing the Chief Clerk to procure the incidental printing for the pres-
ent session, adopted the 15th instant, with all the conditions and provisos,
before any contract was made for said printing; and before any printing was
done by my order.

O. B. HEWETT, *Chief Clerk*.

The following notices of bills were given:

By Mr. Neligh,

An act for the relief of Israel Swihart, Sheriff of Washington County.

By Mr. Reeves,

An act to repeal section 345 of the criminal code, passed at the Eleventh
Session.

A message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed a bill entitled as follows:

House File No. 24—An act to regulate the grade of the city of Omaha.
In which the concurrence of the Council is requested.

Mr. Doom, on leave, introduced

Council File No. 45—A joint resolution relative to the act of Congress for the admission of Nebraska as a State.

The following bills were read the second time, and referred to committees:

House File No. 1—An act to create the office of tax collector in incorporated cities,

To the Committee on Finance.

House File No. 8—An act to authorize the Common Council of Nebraska City to make a further issue of bonds in aid of the high-school building fund of said city,

To the Committee on Education.

House File No. 10—An act to amend an act entitled "an act to incorporate the Peru Seminary and College,"

To the Committee on Education.

House File No. 24—An act to regulate the grade of the city of Omaha,

To the Douglas County Delegation.

Mr. Doane introduced

Council File No. 43—An act to amend section 14, chapter 38, of the Revised Statutes, entitled "Notaries Public."

By consent, was read the first and second time, and referred to the Committee on Judiciary.

Also,

Council File No. 44—An act to incorporate the Omaha Gymnastic Society—Turnverein,

Read the first and second time, and referred to the Committee on Incorporations.

House File No. 2—An act to confirm the title of William Henry Darlington to certain real estate in the city of Omaha,

To the Committee on Judiciary.

House File No. 3—An act to confirm the title of George Hindley to certain real estate in the city of Omaha,

To the Committee on Judiciary.

House File No. 19—Memorial and joint resolution relative to a mail route from Columbus to Yankton,

To special committee, Messrs. Reeves, Bates, and Majors.

House File No. 21—An act to authorize the County Commissioners of Platte County to raise money to build a court-house and jail,

To Committee on Expenditures.

Council File No. 5—An act to protect settlers on land in Nebraska, Recommended to Committee on Judiciary.

The Council resolved into Committee of the Whole upon Council Files Nos. 11, 16, and 22.

After some time the committee arose and reported, recommending Council File No. 11—An act to vacate a part of Table Rock, Amended, and to be engrossed.

Council File No. 16—Joint resolution for a special geological survey of the Republican Valley,

To be indefinitely postponed.

Council File No. 22—Memorial and joint resolution asking the Honorable Secretary of War to establish a fort or sub-military post on or near the Republican River,

To be engrossed.

The report was adopted and the bills severally disposed of as recommended.

Council File No. 4—An act to provide for the protection of public buildings and the appointment of jailers.

Amended and ordered engrossed for third reading to-morrow.

The Council adjourned till 10 o'clock to-morrow.

COUNCIL CHAMBER,
Friday, January 25, 1867.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called; absent, Messrs. Bates, Baumer, Doane, and Neligh.

Journal read and approved.

Mr. Stewart, from the Committee on Engrossed Bills, reported

Council File No. 11—A bill for an act to vacate a part of the town of Table Rock, Nebraska,

Correctly engrossed,

Also,

Council File No. 21—An act to locate a Territorial Road from Platts-mouth to Blue River in Seward County,

Correctly engrossed.

Mr. Sheldon, from the Committee on Agriculture, reported

Council File No. 36—An act to restrain sheep and swine from running at large in Nebraska,

Without amendment and recommended its passage.

Mr. Doom from the Committee on Judiciary, reported

Council File No. 34—An act to amend chapter 4 of the Code of Civil Procedure, and chapter 25 of the Criminal Code,

And recommended its passage.

Also,

Council File No. 27—An act to amend the law regulating interest,

And recommended its passage.

Also,

Council File No. 42—An act to amend section 11 of chapter 3 of the Revised Statutes, entitled "Attorneys,"

And recommended that it do not pass.

Also,

Council File No. 20—An act to declare the age of majority in Nebraska Territory,

With amendment, and recommend its passage.

Also,

Council File No. 5—An act to protect settlers on land in Nebraska,

With amendments.

The following notices of bills were given:

By Mr. Stewart,

A bill for the relief of S. B. Harrington.

By Mr. Wardell,

A bill to incorporate the Nebraska City and Fort Riley Railroad Company.

Mr. Majors introduced

Council File No. 47—An act declaring the effect of decrees in court of equity,

Which was read the first and second time, and referred to the Committee on Judiciary.

Also, on leave,

Council File No. 48—An act supplementary to an act to incorporate the City of Brownville. Approved February 12th, 1864,

Which was read the first and second time, and referred to the Committee on Incorporations.

Mr. Reeves introduced

Council File No. 46—An act to repeal section 345, chapter 29 of the Criminal Code,

Which was read the first and second time, and referred to the Committee on Judiciary.

Council File No. 45—Joint resolution relative to the act of Congress upon the admission of Nebraska as a State,

Was read the first and second time, and referred to the Committee on Federal Relations.

A message from the House by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed bills of the following titles, viz:

House File No. 5—An act making an appropriation to defray the expenses of the Legislature of Nebraska, of July, 1866.

House File No. 9—An act to remove the distinctions on account of race and color in the school laws of Nebraska.

House File No. 12—An act to amend chapter 29 of the Revised Statutes of Nebraska to license and regulate the sale of liquors.

House File No. 34—An act to amend section fourteen of chapter thirty-eight of the Revised Statutes of Nebraska.

In which I am directed to ask the concurrence of the Council.

The House has passed a bill of the Council of the following title, viz:

Council File No. 40—Memorial and joint resolution relative to a bridge across the Platte River and continuation of military road from the Platte River to Kansas line.

Without amendment.

Upon motion of Mr. Doom the Council resolved itself into Committee of the Whole to consider bills reported by committee.

After some time the committee arose, reported progress and asked leave to sit again.

Council File No. 9—An act to prescribe the fees and duties of certain officers and for other purposes,

Was amended and ordered engrossed for third reading.

House File No. 6—Joint resolution and memorial to Congress praying for the establishment of a mail route from Elkhorn Station in Douglas County, to Lancaster in Lancaster County,

Was amended.

Council File No. 22—Memorial and joint resolution relative to a daily mail route from America, Kansas, via Pawnee City, Tecumseh and other points, to Columbus, Nebraska,

Was ordered engrossed for third reading.

FRIDAY, JANUARY 25, 1867.

Council File No. 25—An act to repeal sections 325 and 326 on pages 448 and 449 of the Revised Statutes of Nebraska,
Was indefinitely postponed.

Council File No. 12—An act to amend chapter 46 of the Revised Statutes of Nebraska,
Was amended and ordered engrossed.

Council File No. 11—An act to vacate a part of Table Rock,
Was read the third time, passed and title agreed to.

Council File No. 21—An act to locate a Territorial road from Platts-
mouth to Blue River, in Seward County,
Was read the third time, passed, and title agreed to.

Message from the House by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed a bill of the Council of the follow-
ing title, viz.:

Council File No. 3—An act to authorize the Board of Education of
Brownville City School District, to raise money to complete and furnish a
central high-school building, and to pay off the indebtedness heretofore in-
curred in erecting and finishing said school building,
Without amendment.

Mr. Majors moved that any and all printed matter that has been or may
hereafter be sent to the Chief Clerk of this body, by the Secretary of the
Territory, through any agency whatsoever, the same printed matter not
having been solicited of him by said Chief Clerk, be returned to him by the
Sergeant-at-Arms, with the compliments of the Council, informing him (the
Secretary) that we have made the necessary arrangements to procure all in-
cidental printing ordered and needed by this body.

Mr. Reeves demanded a call of the House.

Roll was called; absent, Messrs. Bates, Baumer, Doane, and Neligh.

Mr. Reeves moved the Sergeant-at-Arms be dispatched after absentees.

Which was not agreed to.

Mr. Freeman moved to adjourn.

Which was not agreed to.

Mr. Doom moved the previous question, which was seconded and the
previous question, viz., Shall the main question be now put? was put and
and carried.

The question recurring upon the motion of Mr. Majors,

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doom, Majors, Presson, Sheldon, Neligh, Stewart, and Mr. President—8.

Nays—Messrs. Freeman, Reeves, Wardell, Bates, and Doane—5.

So the motion was agreed to.

Council adjourned till 10 o'clock to-morrow.

COUNCIL CHAMBER.

Saturday, January 26, 1867.

Council met pursuant to adjournment.

President in the Chair.

Prayer by the Chaplain.

Roll called; absent, Messrs. Bates and Doane.

Journal read and approved.

Mr. Neligh presented a petition of citizens of Washington County remonstrating against changing the boundary lines of said county,

Which was referred to the Committee on Counties.

Mr. Majors presented a petition of citizens of Brownsville, praying for an act to amend the city charter.

Referred to the Committee on Incorporations.

Mr. Presson presented petition of citizens of Richardson County for an act authorizing the election of a County Assessor.

Referred to Committee on Finance.

Mr. Presson, from the Committee on Finance, reported

House File No. 1—An act to create the office of tax collector in incorporated cities,

Without amendment, and recommend its passage.

Also,

Council File No. 29—An act to further define the duties of County Treasurer, and for other purposes,

Without recommendation.

Also, from the Committee on Incorporations,

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Council File No. 44—An act to incorporate the Omaha Gymnastic Society,

Without amendment, and recommended its passage.

Also,

Council File No. 33—An act to vacate all alleys in blocks 19 and 20 in Prairie City Addition to Nebraska City,

Without amendment, and recommended its passage.

Mr. Reeves, from the special committee, reported

House File No. 19—Memorial and joint resolutions relative to a mail route from Columbus to Yankton,

With amendment, and recommended its passage.

A message from the House, by Mr. Bowen, its Chief Clerk :

Mr. President—The House has passed a bill of the Council of the following title, viz. :

Council File No. 7—A bill for an act to authorize County Commissioners to employ attorneys in certain cases, and for other purposes,

Without amendment.

The House has also passed a bill of the following title, viz. :

House File No. 29—An act to amend chapter 17, section 2, of the Revised Statutes of Nebraska.

In which I am directed to ask the concurrence of the Council.

Mr. Doom, from the Committee on Judiciary, reported

House File No. 11—An act to legalize the organization of Saunders County,

Without amendment, and recommended its passage.

Also,

Council File No. 46—An act to repeal section 346, chapter 29, of the criminal code,

Recommending the bill do not pass.

Mr. Stewart gave notice of a bill for an act to change a portion of the Territorial road leading from St. Stephens to a point on the military road from Leavenworth to Fort Kearney, passed at the Eleventh Session of the Legislative Assembly for Nebraska Territory, on page 729, of the Revised Statutes.

Mr. Wardell introduced

Council File No. 49—A bill for an act to incorporate the Nebraska City, Nebraska, and Fort Riley, Kansas, Railroad Company.

House File No. 5—An act making an appropriation to defray the expenses of the Legislature of Nebraska of July, 1866,

Was read the first time.

House File No. 9—An act to remove the distinction on account of race and color in the school laws of Nebraska,

Was read the first time.

House File No. 12—An act to amend chapter 29 of the Revised Statutes of Nebraska, to license and regulate the sale of liquors,

Was read the first time.

House File No. 34—An act to amend section 14, of chapter 38, of the Revised Statutes of Nebraska,

Was read the first and second time, and referred to Committee on Judiciary.

Mr. Reeves, on leave, introduced

Council File No. 50—An act to amend title 2 of the code of civil procedure,

Which was read the first and second time, and referred to the Committee on Judiciary.

The Council resolved itself into a Committee of the Whole upon bills reported, Mr. Presson in the Chair.

After some time the committee arose and reported, recommending that Council File No. 5—A bill to protect settlers on lands in Nebraska, Be engrossed.

Also,

Council File No. 27—An act to amend the law regulating interest, To be engrossed.

Also,

Council File No. 30—An act to amend chapter 46 of the Revised Statutes entitled "revenue,"

Be recommitted to Committee on Judiciary.

The report was adopted.

The Council again resolved itself into Committee of the Whole on bills reported, Mr. Doane in the Chair.

After some time the committee arose and reported, recommending that Council File No. 39—Joint resolution on Federal Relations, Without amendment, and recommended that it be engrossed.

Also,

Council File No. 20—An act to declare the age of majority in Nebraska Territory,

Without amendment, to be engrossed.

Also,

Council File No. 24—A bill for an act to amend chapter 16 of the Revised Statutes of Nebraska,

With amendment, to be engrossed.

Also,

Council File No. 35—Memorial and joint resolution relative to a land grant,

With amendment, to be engrossed.

Also,

Council File No. 34—An act to amend chapter 4 of the code of civil procedure, and chapter 25 of the criminal code, passed at the Eleventh Session of Legislative Assembly of the Territory of Nebraska,

To be engrossed.

Also,

Council File No. 26—An act to amend the code of civil procedure passed at the Eleventh Session of Legislative Assembly of the Territory of Nebraska,

To be engrossed.

Also,

Council File No. 42—An act to amend section 11, of chapter 3, of the Revised Statutes, entitled "attorneys,"

To adopt the report of the committee that the bill no not pass.

Also,

Council File No. 36—An act to restrain sheep and swine from running at large in Nebraska,

To be recommitted to the Committee on Judiciary.

The report was adopted, and the several bills were disposed of severally as recommended.

The following communication, from the Auditor, was read :

The Honorable Council of the Territory of Nebraska:

In compliance with section 60, chapter 48, relative to the education of the deaf and dumb and the blind, Revised Statutes, act approved February 12, 1866, I have the honor to report that the expenses incurred under the provisions of this subdivision amounts to thirty dollars and twenty-five cents (\$30.25) in conveying Miss Esther L. Howard, a deaf mute, from Bellevue, Sarpy County, Nebraska, to the Deaf and Dumb Institute of Iowa, at Iowa City.

Very respectfully your most ob't serv't,

JOHN GILLESPIE, Auditor.

House File No. 6—Joint resolution and memorial to Congress praying for the establishment of a mail route from Elkhorn Station, in Douglas County, to Lancaster, in Lancaster County.

Was amended and read the third time, passed, and the title agreed to.

The motion of Mr. Reeves to reconsider the motion to append the report of the Committee on Federal Relations as to that part of the Governor's Message which relates to "Peace and Union," to the printed copies of the Governor's Message ordered by the Council to be printed, was called up.

Mr. Doane moved to adjourn,

Which was not agreed to.

Mr. Doom moved the previous question, but withdrew the motion to give Mr. Doane opportunity to speak.

After which the previous question was again moved and seconded.

The question being, Shall the main question be now put?

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doom, Majors, Neligh, Presson, Sheldon, and Stewart—7.

Nays—Messrs. Bates, Doane, Freeman, Reeves, and Wardell—5.

So the main question was ordered.

The question recurring on the motion to reconsider,

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and Mr. President.

So it was not agreed to.

Mr. Wardell, on leave, introduced

Council File No. 51—An act to amend an act entitled "an act to revise an act entitled 'an act to consolidate Nebraska City, South Nebraska City and Kearney City and to incorporate Nebraska City,' approved December 31, 1857, and the several amendments to said act," approved February 12, 1866,

Which was read the first and second time, and referred to special committee consisting of Messrs. Reeves and Wardell.

Mr. Freeman presented the following resolution:

Resolved, That the Chief Clerk be and is hereby directed to return to the Honorable Secretary the money which he has this day paid to the several members of this body, to defray traveling expenses, without their instructions, and which is an act of the grossest usurpation, totally contrary to the expressed sentiments of the majority of the Council.

Mr. Doane moved that the rules be suspended and the resolution put upon its passage.

Objected to and the resolution was laid over.

The Council adjourned till Monday at 10 o'clock.

COUNCIL CHAMBER,
Monday, January 28, 1867. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called; absent, Messrs. Bates, Doane, and Neligh.

Journal read and approved.

Mr. Freeman asked leave of absence for Mr. Bates,
Which was granted.

Mr. Stewart, from Committee on Expenditures, reported
House File No. 21—An act to authorize the County Commissioners of
Platte County to raise money to build a court-house and jail,
Without amendment, and recommend its passage.

Mr. Sheldon, from the Committee on Agriculture, reported
Council File No. 17—An act to define a lawful fence, and for other
purposes,
With amendments.

Mr. Stewart, from the Committee on Education, reported
House File No. 8—An act to authorize the Common Council of Nebraska
City to make a further issue of bonds in aid of the high-school building fund
of said city,
With amendments.

Mr. Doom, from the Committee on Judiciary, reported
Council File No. 37—An act to amend the replevin law,
Without amendment.
Also,

Council File No. 36—An act to restrain sheep and swine from running at large in Nebraska,

With amendment.

Also,

Council File No. 34—An act to amend section 14, of chapter 38, of the Revised Statutes of Nebraska,

With amendments.

Also,

Council File No. 41—An act to allow salaries to the Judges of Probate in Nebraska,

Without amendment.

Also,

Council File No. 43—An act to amend section 14, chapter 38, of the Revised Statutes of the Territory of Nebraska, passed at the Eleventh Session of the Legislative Assembly, entitled "Notaries Public,"

And recommended that it be indefinitely postponed.

Mr. Stewart, from the Committee on Enrolled Bills, submitted the following report :

Mr. President—Your Committee on Enrolled Bills have examined

Council File No. 3—An act to authorize the Board of Education of Brownville City School District to raise money to complete and furnish a central high-school building and to pay off the indebtedness of the same, and for other purposes.

Also,

Council File No. 40—A memorial and joint resolution relative to a bridge across Platte River and the continuation of a military road from the Platte River to the Kansas line,

And find the same correctly enrolled.

And after having the same signed by the Speaker of the House, the President of the Council, and endorsed by the Chief Clerk of the Council, have presented the same to the Acting Governor for his approval, at 10 o'clock and 30 minutes, this 28th day of January, A. D. 1867.

A. S. STEWART, *Chairman.*

The following notices of bills were given :

By Mr. Baumer,

An act to incorporate the Omaha Fire Engine Company No. 1.

Mr. Doom gave notice of a bill for

An act to locate the Penitentiary of Nebraska.

Mr. Doom, on leave, introduced

Council File No. 52—An act relating to the custody of children in certain cases,

Which was read the first and second time, and referred to the Committee on Judiciary.

Mr. Reeves introduced

Council File No. 53—An act to amend section 593, of chapter 1, of the Revised Statutes of Nebraska, entitled "error in civil cases,"

Which was read the first time, the rules suspended, and the bill read the second time and referred to the Committee on Judiciary.

House File No. 29—An act to amend chapter 17, section 2, of the Revised Statutes of Nebraska,

Was read the first time.

A message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed bills of the following titles, viz.:

House File No. 13—An act to locate a Territorial road from Fontenelle, in Washington County, to Columbus in Platte County.

House File No. 14—An act to vacate certain portions of Kenceleur's addition to the town of Rulo proper, in Richardson County, Nebraska Territory.

House File No. 31—Joint preamble and resolution congratulating the Chicago and Northwestern Railroad Company upon the completion of their road.

House File No. 35—An act to repeal an act entitled "an act to change the name of St. Deroin, in Nemaha County, to Marysville."

House File No. 39—An act to constitute Johnson County but one precinct for revenue purposes.

House File No. 41—An act to enlarge the limits of Jones County.

House File No. 53—Joint resolution,

In which I am directed to ask the concurrence of the Council.

The House has passed bills of the Council of the following titles, viz.:

Council File No. 15—A bill for an act for the relief of John McCammon, Without amendment.

Council File No. 28—A bill for an act to revive and continue in force the act to allow the funding of the indebtedness of the Territory, and for other purposes, approved January 11, 1861.

With an amendment, in which I am directed to ask the concurrence of the Council.

The House has agreed to the amendments of the Council to

House File No 6—Joint resolution and memorial to Congress praying for the establishment of a mail route from Elkhorn station in Douglas County to Lancaster in Lancaster County.

Council File No. 49—An act to incorporate the Nebraska and Fort Riley, Kansas, Railroad Company was read the first time.

Council File No. 54—An act to repeal an act to change the location of a portion of the Territorial road leading from St. Stephens to a point on the military road from Leavenworth to Fort Kearney,

Was read the first and second time and referred to the Committee on Highways.

House File No. 5—An act making an appropriation to defray the expenses of the Legislature of Nebraska of July, 1866,

Was read the second time, and referred to the Committee on Finance.

House File No. 9—An act to remove the distinctions on account of race and color in the school law of Nebraska,

Was read the second time, and referred to the Committee on Judiciary.

House File No. 12—An act to amend chapter 29 of the Revised Statutes of Nebraska, to license and regulate the sale of liquors,

Was read the second time, and referred to the Committee on Judiciary.

The Council resolved itself into a Committee of the Whole on Council File No. 30.

After some time the committee arose, reported progress, and asked leave to sit again.

A message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed bills of the following titles, viz.:

House File No. 23—An act to amend section 2, of chapter 2, of the Revised Statutes of Nebraska.

House File No. 37—An act to amend section 1 of an act entitled "an act to revise and consolidate the several acts relative to the city of Omaha, and for other purposes," approved February 14, 1865.

In which the concurrence is requested.

Mr. Doane, on leave, introduced

Council File No. 55—An act to incorporate the Nebraska Institute for the Deaf and Dumb,

Which was the first and second time, and referred to the Committee on Education.

Council File No. 33—An act to vacate all alleys in blocks 19 and 20 in Prairie City Addition to Nebraska City,

Was read the third time, passed, and the title agreed to.

Council File No. 44—An act to incorporate the Omaha Gymnastic Society—Omaha Turnverein,

Was read the third time, passed, and the title agreed to.

Council File No. 46—An act to repeal section 345, chapter 29, of the criminal code,

Was read the third time, passed, and the title agreed to.

House File No. 11—An act to legalize the organization of Saunders County,

Was read the third time, passed, and the title agreed to.

House File No. 19—Memorial and joint resolutions relative to a mail route from Columbus to Yankton,

Was amended, read the third time, passed, and the title agreed to.

Mr. Doane asked to be relieved from serving on the Committee on Enrolled and Engrossed Bills. He was relieved, and Mr. Wardell appointed in his place.

The resolution of Mr. Doom for appointing a committee to procure the reports of the Territorial Auditor and Treasurer, came up.

The President informed the Council that the Secretary placed the reports in his possession the day the resolution was offered.

Mr. Doane moved that the thanks of the Council be rendered to the Honorable Secretary for the reports,

Which was agreed to.

The resolution of Mr. Freeman relative to refunding mileage, came up, and was referred to the Committee on Expenditures.

The report of the Committee on Elections relative to impartial suffrage, the joint resolution offered by Mr. Presson relative to the Constitutional Amendment, and the resolutions of Mr. Doane relative to the action of Congress in admitting Nebraska as a State, were made the special order for Wednesday next at 11 o'clock.

Council adjourned till to-morrow at 10 o'clock.

COUNCIL CHAMBER,

Tuesday, January 29, 1867

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

Mr. Neligh presented a petition of citizens of Washington County, praying that Logan Precinct be detached from Washington County, which was read, and referred to the Committee on Counties.

Mr. Doom, from the Committee on Judiciary, reported

Council File No. 52—An act relating to the custody of children in certain cases,

Without amendment, and recommended its passage.

Also,

Council File No. 28—An act to amend chapter 6, of title 7, of the Revised Statutes of Nebraska,

And recommend that it be indefinitely postponed.

Also,

Council File No. 50—An act to amend title 2 of the code of civil procedure,

And recommended that it be indefinitely postponed.

Also,

House File No. 9—An act to remove the distinctions on account of race, and color in the school laws of Nebraska,

And recommended its passage without amendment.

Also,

House File No. 12—An act to amend chapter 29 of the Revised Statutes of Nebraska, to license and regulate the sale of liquors,

Without amendment, and recommended its passage.

Mr. Sheldon, from the Committee on Education, reported

Council File No. 55—An act to incorporate the Nebraska Institute for the Deaf and Dumb,

With amendments.

Mr. Neligh, from the Committee on Public Buildings, reported

Council File No. 12—An act to equalize the apportionment of the Councilmen and Representative Districts of Nebraska Territory,

And recommended it be indefinitely postponed.

Mr. Stewart, from the Committee on Education, reported
House File No. 10—An act to amend an act entitled "an act to incorporate the Peru Seminary and College,"

Without amendment, and recommended its passage.

Also, from the Committee on Engrossed Bills, that Council Files Nos. 5, 9, 12, 20, 24, 26, 34, 35, 32, 39, and 27, as correctly engrossed.

The following notices of bills were given:

By Mr. Stewart,

A joint resolution and memorial, asking Congress to make a treaty with the Otoe and Missouri Indians for the purpose of purchasing a tract of land on which they now reside.

By Mr. Bates,

A bill for a Territorial road from Iona, Dixon County, by the most feasible route to the mouth of the Humbug, where it empties into the Elkhorn.

Also,

A bill to extend the time for the location of the Territorial road from Ponca to Niobrara, and to change one of the Commissioners and substitute another in his place.

By Mr. Reeves,

A bill to amend relative to the sale of real estate by guardians, administrators, and executors.

House File No. 13—An act to locate a Territorial road from Fontenelle, in Washington County, to Columbus, in Platte County,

Was read the first time.

House File No. 14—An act to vacate certain portions of Kenceleur's addition to the town of Rulo proper, in Richardson County, Nebraska,

Was read the first and second time, and referred to the Committee on Incorporations.

House File No. 23—An act to amend section 2, of chapter 2, of the Revised Statutes of Nebraska,

Was read the first time.

House File No. 31—Preamble and joint resolution, congratulating the Chicago and Northwestern Railroad Company upon the completion of their road,

Was read the first time.

House File No. 35—An act to repeal an act entitled "an act to change the name of St. Deroir, in Nemaha County, to Marysville,"

Was read the first, second, and third time, passed, and the title agreed to.

House File No. 37—An act to amend section 1 of an act entitled "an act to revive and consolidate the several acts relative to the city of Omaha, and for other purposes," approved February 11, 1865,

Was read the first and second time, and referred to the Douglas County Delegation.

House File No. 39—An act to amend section 1 of an act entitled "an act to revise and consolidate the several acts relative to the city of Omaha, and for other purposes," approved February 11, 1865,

Was read the first and second time, and referred to the Douglas County Delegation.

House File No. 39—An act to constitute Johnson County but one Precinct, for revenue purposes,

Was read the first and second time, and referred to the Committee on Finance.

House File No. 4—An act to enlarge the limits of Jones County,

Was read the first and second time, and referred to the Committee on Counties.

House File No. 53—Joint resolutions of thanks to the Hon. P. W. Hitchcock,

Was read the first, second, and third time, passed, and the title agreed to.

Mr. Neligh introduced

Council File No. 56—Memorial and joint resolution relative to a mail route.

Was read the first and second time, and referred to the Committee on Federal Relations.

Mr. Doom introduced

Council File No. 57—An act to locate the Penitentiary of Nebraska.

Was read the first time.

Mr. Neligh introduced

Council File No. 58—An act for the relief of Israel Swihart, Sheriff of Washington County.

Was read the first and second time, and referred to the Committee on Expenditures, with instruction to report a general bill for such cases.

House File No. 29—An act to amend chapter 17, section 2, of the Revised Statutes of Nebraska,

Was read the second time, and referred to Committee on Highways.

Council File No. 49—A bill for an act to incorporate the Nebraska City, Nebraska, and Fort Riley, Kansas, Railroad,

Was read the second time, and referred to a special committee, consisting of Messrs. Wardell, Majors, Stewart, Presson, and Sheldon.

Council File No. 43—An act to amend section 14, chapter 38, of the Revised Statutes of Nebraska, passed at the Eleventh Session of the Legislative Assembly, entitled "Notaries Public."
Was indefinitely postponed.

A message from the Governor, by Mr. Knox, Private Secretary:

EXECUTIVE CHAMBER,

Omaha, January 29, 1867.

Mr. President and Gentlemen of the Council:

I am instructed by the Acting Governor to inform your honorable body that he has approved and signed

Council File No. 3—An act to authorize the Board of Education of Brownville City School District, to raise money to complete and furnish a central high-school building, and to pay off the indebtedness heretofore incurred in erecting and finishing said school building.

A message from the House by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed a bill of the following title, viz.:

House File No. 44—An act to amend an act entitled "an act to restrain cattle from running at large in Jones County."

In which I am directed to ask the concurrence of the Council.

The House has passed a bill of the Council of the following title, viz.:

Council File No. 18—Memorial and joint resolution relative to a mail route,

Without amendment.

The Council resolved itself into Committee of the Whole on bills reported from committees.

After some time the committee arose and reported

House File No. 21—An act to authorize the County Commissioners of Platte County to raise money to build a court-house and jail,

With amendments, and recommend that the amendments be engrossed.

Also,

House File No. 1—An act to create the office of tax collector in incorporate cities,

And recommended its passage.

The report was adopted.

Mr. Sheldon, on leave, introduced

Council File No. 59—An act to provide for the election of Supervisors, and to further define their duties.

Mr. Doane, on leave, introduced

Council File No. 62—An act to revive and continue in force an act to authorize the election of church wardens and vestrymen of the Protestant Episcopal Church, and defining their powers and duties, approved January 9, 1862.

The Council adjourned till half past 2 o'clock P. M.

AFTERNOON SESSION.

The Council was called to order at the hour adjourned to.

Mr. Stewart, from the Committee on Education, on leave, reported

Council File No. 55—An act to incorporate the Nebraska Institute for the Deaf and Dumb.

On motion of Mr. Presson, the Council resolved itself into Committee of the Whole on bills reported from committees.

After some the committee arose and reported

Council File No. 3—An act to amend chapter 46 of the Revised Statutes, entitled "revenue,"

With amendments, and recommended its passage.

Also,

Council File No. 29—An act to further define the duties of County Treasurer, and for other purposes.

With the recommendation that the same be indefinitely postponed.

The report was adopted.

A message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed a bill of the following title, viz.:

House File No. 30—An act to amend section thirty-three of chapter 17, of the Revised Statutes.

In which I am directed to ask the concurrence of the Council.

The House has passed a concurrent resolution as follows:

Resolved by the Council and House of Representatives of the Territory of Nebraska, That we cordially unite with Congress in its plan of Reconstruction; and the proposed amendments to the Constitution of the United States receive our unqualified approval.

In which I am directed to ask the concurrence of the Council.

Council adjourned till to-morrow at 10 o'clock.

COUNCIL CHAMBER,
Wednesday, January 30, 1867.

Council met pursuant to adjournment.

President in the Chair,

Prayer by the Chaplain.

Roll called.

Journal read and approved.

Mr. Doane moved that the vote of the Council in adopting the report of the Committee of the Whole recommending

Council File No. 30—A bill for an act to amend chapter 46 of the Revised Statutes, entitled "revenue,"

Engrossed for a third reading, be reconsidered.

It was agreed to.

The following message from the Governor, was received by Mr. Knox, Private Secretary:

Mr. President and Gentlemen of the Council:

I am instructed by the Acting Governor to inform your honorable body that he has approved and signed

An act to authorize County Commissioners to employ attorneys in certain cases.

An act for the relief of John McCammon.

Memorial and joint resolution relative to a bridge across Platte River and continuation of military road from the Platte River to the Kansas line.

Mr. Doom presented a petition of practicing attorneys of Cass County asking salaries be granted to Judges of Probate.

Which was referred to Committee on Judiciary.

Mr. Majors presented a petition of citizens of Nemaha relative to a ferry.

Referred to Committee on Incorporations.

Mr. Stewart, from the Committee on Counties, reported

Council File No. 31—An act to attach Logan Creek Precinct to Dodge County, and to establish a proper boundary line between the Counties of Dodge and Washington,

With amendment, and recommended its passage.

Also, from the Committee on Engrossed Bills reported Council Files Nos. 4 and 22 correctly engrossed.

Also, from the Committee on Enrolled Bills,
Council File No. 7—An act to authorize County Commissioners to employ attorneys in certain cases.

Also,
Council File No. 15—A bill for an act for the relief of John McCammon,
As correctly enrolled.

And after having the said bills signed by the Speaker of the House, the President of the Council, and endorsed by the Chief Clerk of the Council, presented the same to the Acting Governor for his approval at 10 o'clock this 29th day of January, 1867.

A. STEWART,

W. W. WARDELL,

Committee.

Mr. Wardell, from the special committee to whom was referred Council File No. 51—An act to amend an act entitled "an act to revise an act entitled 'an act to consolidate Nebraska City, South Nebraska City and Kearney City and to incorporate Nebraska City,' approved December 21, 1857, and the several amendments to said act," approved February 12, 1866,

With amendments, and recommended its passage.

Mr. Sheldon, from the Committee on Highways, reported Council File No. 54—An act to repeal an act to change the location of a portion of the Territorial road leading from St. Stephens to a point on the military road from Leavenworth to Fort Kearney,

Without amendment, and recommend its passage.

Mr. Doon, from the Committee on Federal Relations, submitted the following report:

Mr. President—The Committee on Federal Relations, to whom was referred Council File No. 45, "Joint resolution relative to the act of Congress for the admission of Nebraska as a State," have had the same under consideration, and beg leave to report:

That while we fully recognize the right of the people of a State to participate in and vote directly upon a change in the provisions of the Constitution of the State in which they reside, your committee are as fully impressed with the opinion that Congress has the indisputable right to impose conditions previous to admitting a Territory into the family of States. Such being the case, we are led to inquire whether the fundamental conditions imposed by the act of Congress are a violation of the rights of the people. Your committee are clearly of the opinion that such is not the case. For a

violation of those rights would require that some privileges now enjoyed by the people should be withheld or some conditions imposed, from which we are now exempt.

Upon examination, neither of these appear to be the case. Because, as a Territory, we are amenable to the Constitution of the United States, and the laws of Congress.

The Constitution recognizes all persons born within the United States, or naturalized in pursuance of law, to be citizens and entitled to the rights of citizenship, and a recent act of Congress amending the organic acts of the several Territories so as to confer the rights of suffrage upon all citizens, except such as are disqualified by reason of crime. Consequently, when Congress declares that we shall not, as a State, deprive citizens of rights already guaranteed to them, it does not transcend its powers or impose upon us conditions from which we are now exempt.

Your committee are unable to discover that any right or privilege, now enjoyed by the citizens of this Territory, is in the least abridged by the act of Congress to which the resolutions refer.

In conclusion, your committee would recommend that the joint resolutions be indefinitely postponed.

J. E. DOOM,

WM. BAUMER,

W. A. PRESSON,

(Committee.)

Mr. Presson, from the Committee on Incorporations, reported

Council File No. 48—An act supplementary to an act entitled "an act to incorporate the city of Brownville," approved February 12, 1864,

Without amendment, and recommended its passage.

Also,

House File No. 14—An act to vacate certain portions of Kencelaur's addition to the town of Bulo, proper, in Richardson County, Nebraska Territory.

Without amendment, and recommended its passage.

Also, from the Committee on Finance,

House File No. 39—An act to constitute Johnson County but one precinct for revenue purposes.

Without amendment, and recommended its passage.

Also,

House File No. 5—An act making an appropriation to defray the expenses of the Legislature of Nebraska, of July, 1866.

Without amendment, and recommended its passage.

Mr. Wardell, from the special committee on
Council File No. 49—An act to incorporate the Nebraska City and Fort
Riley Railroad Company,

Reported in favor of the bill, without amendment.

The following notices of bills were given:

By Mr. Majors,
A bill for an act to grant a charter to Lewis Elliot for a ferry across the
Missouri River, at the town of Aspinwall, in Nemaha County.

By Mr. Presson,
An act to provide for a County Assessor in the County of Richardson.

Council File No. 12—A bill to amend chapter 46 of the Revised Statutes,
entitled "revenue."

Was read the third time, passed, and title agreed to.

Council File No. 20—An act to declare the ages of majority,

Was read the third time, passed, and the title agreed to.

Council File No. 22—Memorial and joint resolution, asking the Honor-
able Secretary of War to establish a fort or sub-military post on or near
the Republican River,

Was read the third time, passed, and title agreed to.

Council File No. 24—A bill for an act to amend chapter 16 of the Re-
vised Statutes of Nebraska, entitled "divorce and alimony,"

Was read the third time, passed, and the title agreed to.

Council File No. 26—An act to amend the code of civil procedure passed
at the Eleventh Session of Legislative Assembly of the Territory of Nebraska,
and for other purposes,

Was read the third time, passed, and the title agreed to.

Council File No. 27—An act to amend the law regulating interest,

Was read the third time, passed, and the title agreed to.

Council File No. 32—Memorial and joint resolution relative to a daily
mail route from America, Kansas, via Pawnee City, Tecumseh, and other
points, to Columbus, Nebraska,

Was read the third time, passed, and the title agreed to.

Council File No. 34—A bill for an act to amend chapter 4 of the code of
civil procedure, and chapter 25 of the criminal code, passed at the Eleventh
Session of the Legislative Assembly of the Territory of Nebraska,

Was read the third time, passed, and the title agreed to.

House File No. 21—An act to authorize the County Commissioners of Platte County to raise money to build a court-house and jail, (Mr. Bowen in the Chair.)

Was amended, read the third time, passed, and title agreed to.

The Council resolved itself into Committee of the Whole upon the report of the Committee on Federal Relations upon that part of the Governor's Message which relates to impartial suffrage, Mr. Doane in the Chair. After some time the committee arose, reported progress, and asked leave to sit again.

The Council adjourned to half-past 2 o'clock P. M.

AFTERNOON SESSION.

Council met pursuant to adjournment, and resolved itself into Committee of the Whole to consider the report of the Committee upon that part of the Governor's Message relative to impartial suffrage, and the report of the committee upon Council File No. 45, "Joint resolution relative to the action of Congress upon the admission of Nebraska as a State," and Mr. Presson's resolution relative to the Constitutional Amendment, Mr. Stewart in the Chair.

After some time the committee arose and reported progress, and asked leave to sit again.

Message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed bills of the following titles, viz.:

House File No. 16—An act to authorize John Bentz and William Kneeland to build a mill-dam across the Great Nemaha River in Johnson County, Nebraska.

House File No. 25—An act authorizing E. Bruner and J. D. Neligh to erect a mill-dam across the Elkhorn River, in Cuming County.

House File No. 26—An act to amend an act entitled "an act to incorporate the Pioneer Hook and Ladder Company No. 1, at Omaha," approved January 7, 1861.

House File No. 36—Memorial and joint resolution for a mail route from Columbus to St. Johns, Iowa.

House File No. 38—An act to authorize and require the County Commissioners of Otoe County to levy a special tax on all the taxable property in sub-school district No. 5, township 8, range 14, in the County of Otoe, Territory of Nebraska, sufficient to raise the sum of six hundred and fifty dollars.

House File No. 46—An act to amend section 17, of chapter 19, part 1, of the Revised Statutes.

In which I am directed to ask the concurrence of the Council.

The House has passed a bill of the Council of the following title, viz:
 Council File No. 11—A bill for an act to vacate a part of the town of
 Table Rock, Nebraska Territory,
 Without amendment.
 Council adjourned till 7 o'clock.

The Council was called to order at the hour adjourned to.

Messrs. Bates and Baumer were excused from attendance.

Council resolved itself into Committee of the Whole for the considera-
 tion of the report and resolutions.

After some time the committee arose, reported progress, and asked leave
 to sit again.

Mr. Stewart, from the Committee on Enrolled Bills, submitted the fol-
 lowing:

Mr. President—Your Committee on Enrolled Bills, have examined Coun-
 cil File No. 18, "A memorial and joint resolution relative to a mail route,"
 and find the same truly enrolled; and after having the same signed by the
 Speaker of the House, the President of the Council, and endorsed by the
 Chief Clerk of the Council, presented the same to the Acting Governor for
 his approval at 10 o'clock, this 30th day of January, 1867.

A. S. STEWART.

The Council adjourned till 10 o'clock to-morrow.

COUNCIL CHAMBER,

Thursday, January 31, 1867.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called; absent, Mr. Majors.

Journal read and approved.

Mr. Sheldon presented a petition of citizens of Cass County relative to a
 bridge across Platte River.

Mr. Stewart from the Committee on Enrolled Bills reported
 Council File No. 11—An act to vacate a part of the town of Table Rock correctly enrolled and after having the same signed by the Speaker of the House and the President of the Council, endorsed by the Chief Clerk of the Council, it was presented to the Acting Governor for his approval at 10 o'clock 30 minutes, January 31st, 1867.

A message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The Acting Governor of the Territory has notified the House that he did on the 29th inst. approve and sign a bill of the following title, viz.:

House File No. 6—Joint resolution and memorial praying for a mail route from Elkhorn Station on the Union Pacific Railroad to Ashland in Saunders County via Forest City in Sarpy County.

Mr. Doane from the special Committee upon

House File No. 24—An act to regulate the grade of the City of Omaha, Reported the bill without amendment.

Also,

House File No. 37—An act to amend section one of an act entitled an act to revise and consolidate the several acts relative to the City of Omaha and for other purposes, approved February 11, 1865.

With amendment.

Mr. Stewart, from the Committee on Counties, presented a minority report upon

Council File No. 41—An act to enlarge the limits of Jones County, Recommending its passage.

Mr. Reeves presented a majority report upon the same recommending it to be indefinitely postponed.

Mr. Freeman gave notice of a joint resolution and memorial to Congress for the re-establishment of a mail route between Nebraska City and Kearney City.

Mr. Sheldon introduced

Council File No. 59—An act to provide for the election of Supervisors and to further define their duties.

Which was read twice and referred to the Committee on Highways.

Mr. Doane introduced

Council File No. 60—A bill for an act to revive and continue in force an act to authorize the election of church wardens and vestrymen of the Pro-

testant Episcopal Church and defining their powers and duties, approved Jan. 9, 1862,

Which was read twice and referred to the Committee on Judiciary.

Mr. Stewart introduced

Council File No. 61—An act for the relief of S. B. Harrington,

Which was read twice and referred to the Committee on Finance.

Mr. Reeves introduced

Council File No. 62—An act to amend section 122 of chapter 14 of the Revised Statutes entitled "decedents."

Read the first time.

Mr. Doom introduced

Council File No. 62—An act to amend section 17 of chapter 3 of the Revised Statutes entitled "attorneys."

Read twice and referred to the Committee on Judiciary.

Mr. Doom introduced

Council File No. 64—An act to authorize W. H. Reid and J. L. Davidson to erect a mill-dam across Blue River in Seward County,

Which was read twice and referred to the Committee on Incorporations.

House File No. 16—An act to authorize John Bentz and William Kneeland to build a mill-dam across the Great Nemaha River in Johnson County.

Was read twice and referred to the Committee on Judiciary.

House File No. 22—An act to amend an act on evidence, title ten chapter one of the Revised Statutes,

Was read twice and referred to the Committee on Judiciary.

House File No. 25—An act authorizing U. Bruner and J. D. Neligh to erect a mill-dam across the Elkhorn River in Cuming County,

Was read twice and referred to the Committee on Incorporations.

House File No. 26—An act to amend an act entitled an act to incorporate the Pioneer Hook and Ladder Company No. 1, at Omaha, approved January 7, 1861.

Was read twice and referred to the Douglas County Delegation.

House File No. 30—An act to amend section 33 of chapter 17 of the Revised Statutes entitled "elections,"

Was read twice and referred to the Committee on Judiciary.

House File No. 36—Memorial and joint resolution for a mail route from Columbus to St. Johns, Iowa,

Was read twice and referred to Committee on Federal Relations.

House File No. 38—An act to authorize and require the County Commissioners of Otoe County to levy a special tax on all the taxable property in sub-school-district No. 5, town 8, range 14 in Otoe County, sufficient to raise the sum of six hundred and fifty dollars,

Was read twice and referred to the Otoe County Delegation.

House File No. 44—An act to amend an act entitled an act to restrain cattle from running at large in Jones County,

Was read twice and referred to the Committee on Agriculture.

House File No. 46—An act to amend section 17 of chapter 19 of part 1 of the Revised Statutes.

Was read twice and referred to Committee on Printing.

Council File No. 57—An act to locate the Penitentiary of Nebraska,

Was read the second time and referred to the Committee on Expenditures.

House File No. 13—An act to locate a Territorial road from Fontenelle in Washington County to Columbus in Platte County.

Was read the second time and referred to the Committee on Highways.

House File No. 23—An act to amend section second of chapter second of the Revised Statutes,

Was read the second time and referred to the Committee on Elections.

House File No. 31—Joint resolution and preamble congratulating the Chicago and Northwestern Railroad Company upon the completion of their road,

Was read the second time and referred to the Committee on Highways.

Council File No. 30—An act to amend chapter 46 of the Revised Statutes entitled "revenue,"

As amended and reported by the Committee of the Whole, came up.

Mr. Doom move section 11 by adding; "Provided further, That if said person shall not possess more than two horses or one yoke of work cattle or two milch cows that the same shall be exempt from the provisions of this section,"

Which was not agreed to.

Mr. Doane moved to amend by inserting in section 18 "that the land had not been assessed at the time and in the manner required by law."

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, and Neigh—4.

Nays—Messrs. Doom, Majors, Freeman, Presson, Reeves, Sheldon, Stewart, and Wardell—8.

So it was not agreed to.

Mr. Doom moved to amend section 18, by inserting after the words, taxation in the 19th line the words, "that the same had not been advertised for sale as required by law."

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Doom, Majors, Neligh, Presson, Reeves, Sheldon, Stewart, and Wardell—11.

Nays—Mr. Freeman—1.

So it was agreed to.

Message from the Governor by Mr. Knox, Private Secretary:

Mr. President and Gentlemen of the Council—I am instructed by the Acting Governor to inform your honorable body that he has approved and signed

An act to vacate certain portions of the town of Table Rock in Pawnee County.

Memorial and joint resolution relative to a mail route.

Mr. Doane moved to amend by inserting in section 18 the words "that the same had not been sold for taxes, as set forth in the deed?"

The yeas and nays were demanded.

Yeas—Messrs. Bates, Baumer, Doane, Majors, and Neligh—5.

Nays—Messrs. Doom, Freeman, Presson, Reeves, Sheldon, Stewart, Wardell, and The President—8.

So it was not agreed to.

The Council adjourned till half-past two o'clock, P. M.

AFTERNOON SESSION.

Council File No. 30, being still before the Council, Mr. Sheldon moved that the following be added to section 21: "Section 68 of the Revised Statutes entitled 'revenue,' is hereby amended by striking out in the third line of said section the word 'two,' and inserting the word 'three,' so it shall read 'three years after the day of sale.'"

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doane, Doom, Stewart—5.

Nays—Messrs. Bates, Freeman, Majors, Neligh, Presson, Reeves, and Wardell—7.

So it was not agreed to.

Mr. Doane moved the following: Strike out of section 18 all after the word "law" in line 13 and insert, "Provided, That no suit either at law or

equity shall be instituted for the purpose of contesting the title made under the provisions of the revenue laws of this Territory without first paying or tendering payment to the purchaser at tax sale, or his heirs, executors, or assigns, of the amount required by law for the redemption of the same.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, and Neligh—4.

Nays—Messrs. Doom, Freeman, Majors, Presson, Reeves, Sheldon, Stewart, and Wardell—8.

So it was not agreed to.

Mr. Reeves offered the proviso of the amendment last offered by Mr. Doane to the end of section 18.

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Majors, Presson, Reeves, Sheldon, Wardell, and Mr. President—7.

Nays—Messrs. Bates, Doane, Doom, Freeman, Neligh, and Stewart—6.

So it was agreed to.

Mr. Doane offered to add, "Provided that no suit shall be instituted by any one claiming adversely to a tax title in any court of this Territory."

The yeas and nays were demanded:

Yeas—Messrs. Doane and Neligh—2.

Nays—Messrs. Bates, Baumer, Doom, Freeman, Majors, Presson, Reeves, Sheldon, Stewart, and Wardell—10.

So it was not agreed to.

Mr. Doom moved to strike out of the third line, of section 19, the word

"personal" and insert "taxable,"

Which was agreed to.

Mr. Doane moved to amend by inserting after the word "deeds" in the first line of section 18, the word "hereafter,"

Which was agreed to.

Mr. Reeves moved that the bill be engrossed for the third reading.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doom, Freeman, Majors, Presson, Reeves, Sheldon, Stewart, and Wardell—10.

Nays—Messrs. Doane and Neligh—2.

So it was agreed to.

A message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed bills of the following title, viz.:

House File No. 66—Memorial and joint resolution relative to a mail route from St. Johns, Iowa, to Fremont, Nebraska.

House File No. 43—An act to locate a Territorial road from Forest City in Sarpy County to the Washington County line, near Elkhorn City, in Douglas County.

House File No. 45—An act to amend chapter 46 and 47 of the Revised Statutes.

In which I am directed to ask the concurrence of the Council.

The House has concurred in the amendment made by the Council to the amendment made by the House to

Council File No. 28—A bill for an act to revive and continue in force the "act to allow the funding of the indebtedness of the Territory, and for other purposes," approved January 11, 1861.

The House has concurred in the amendment made by the Council to bills of the House of the following titles, viz. :

House File No. 19—Memorial and joint resolution relative to a mail route from Columbus to Yankton.

House File No. 53—Joint resolution of thanks to the Hon. P. W. Hitchcock.

The House has concurred in the first, second, and third amendments made by the Council to

House File No. 21—An act to authorize the County Commissioners of Platte County to raise money to build a court-house and jail,

And has non-concurred in the fifth and sixth amendments made by the Council thereto. It has also concurred in the fourth amendment made by the Council to said bill with an amendment.

In which I am directed to ask the concurrence of the Council.

The Council resolved itself into the Committee of the Whole upon

Council File No. 48—An act supplementary to an act entitled "an act to incorporate the city of Brownville," approved February 12, 1864,

And other bills reported from committees.

After some time the committee arose and reported, recommending that Council File No. 48 be passed without amendment, and

Council File No. 31—An act to attach Logan Creek Precinct to Dodge County, and to establish a proper boundary line between the Counties of Dodge and Washington,

With amendment, to be engrossed.

It was ordered.

Mr. Wardell, on leave, moved that Council File No. 51 be engrossed for a third reading.

It was so ordered.

FRIDAY, FEBRUARY 1, 1867.

Mr. Stewart presented a resolution that the House and Council hereby authorize the Committees on Engrossed and Enrolled Bills to procure the necessary assistance to the engrossing and enrolling clerks.

Mr. Presson moved to amend by striking out the word "House."

The resolution, as amended, was adopted.

Council adjourned till 10 o'clock to-morrow.

COUNCIL CHAMBER,
Friday, February 1, 1867. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

Mr. Baumer presented a remonstrance of citizens of Omaha against the bill to regulate the grade of the city of Omaha, signed by over four hundred voters.

The following communication from the Governor was received :

EXECUTIVE OFFICE,
February 1, 1867. }

To the Honorable, the Council of the Legislative Assembly :

GENTLEMEN—I have the honor to transmit herewith a remonstrance, recently received at this office, signed by fifty-two persons claiming to be citizens of Jefferson County, protesting against the consolidation of that County with the County of Jones.

Very respectfully your ob't serv't,

A. S. PADDOCK,
Acting Governor.

Mr. Sheldon, from the Committee on Highways, presented a minority report upon

Council File No. 59—An act to provide for the election of Supervisors, and to further define their duties,

Without amendment

Mr. Wardell, from the same committee, presented a majority report upon the same bill, with an amendment.

Mr. Majors, from the Committee on Elections, reported
House File No. 23—An act to amend section 2, of chapter 2, of the Revised Statutes,

Without amendment.

Also,

House File No. 46—An act to amend section 17, of chapter 19, part 1st, Revised Statutes,

Without amendment.

Mr. Doom, from the Committee on Federal Relations, reported
Council File No. 56—Joint resolution and memorial relative to a mail route,

And recommended a substitute.

Also, from the Committee on Judiciary, reported

Council File No. 53—An act to amend section 593, of chapter 1, Revised Statutes of Nebraska, entitled "error in civil cases,"

With amendment.

Also,

House File No. 2—An act to confirm the title of William Henry Darlington to certain real estate in the city of Omaha,

Without recommendation.

Also,

House File No. 3—An act to confirm the title of George Hindly to certain real estate in the city of Omaha,

Without recommendation.

Mr. Doane, from the select committee upon
House File No. 26—An act to amend an act entitled "an act to incorporate the Pioneer Hook and Ladder Company No. 1, at Omaha," approved January 7, 1861,

Without amendment.

Mr. Stewart, from the Committee on Engrossed Bills, submitted the following report:

Mr. President—The Committee on Engrossed Bills find

Council File No. 30—A bill for an act to amend chapter 46 of the Revised Statutes, entitled "revenue,"

Council File No. 31—An act to attach Logan Creek Precinct to Dodge County,

Correctly engrossed.

Also, from the Committee on Enrolled Bills, that

Council File No. 28—An act to revive and continue in force the "act to allow the funding of the indebtedness of the Territory, and for other purposes," approved January 11, 1861,

Correctly enrolled, signed by the Speaker of the House, the President of the Council, and endorsed by the Chief Clerk of the Council, was presented to the Governor for his signature, at 11 o'clock this 1st day of February, 1867.

Mr. Wardell gave notice of a bill to incorporate the Nebraska Territory or State Institute for the education of the Deaf and Dumb.

Mr. Stewart introduced

Council File No. 64—An act to incorporate Fire Engine Company No. 1. Was read first and second time, and referred to the Douglas County Delegation.

Mr. Majors, on leave, introduced

Council File No. 65—An act to authorize Lewis C. Elliott to establish and keep a ferry across the Missouri River, at Aspinwall, in Nemaha County, Which was read first, second, and third time, passed, and title agreed to.

House File No. 43—An act to locate a Territorial road from Forest City, in Sarpy County, to the Washington County line, near Elkhorn City, in Douglas County,

Was read the first time.

House File No. 45—An act to amend chapter 46 and 47, of the Revised Statutes,

Was read the first and second time, and referred to the Committee on Judiciary.

House File No. 66—Memorial and joint resolution relative to a mail route from St. Johns, Iowa, to Fremont, Nebraska,

Was read twice, and referred to the Committee on Federal Relations.

Council File No. 62—An act to amend section 122, chapter 14, of the Revised Statutes, entitled "decedents,"

Was read the second time and referred to the Committee on Judiciary.

House File No. 24—An act to regulate the grade of the city of Omaha,

Was recommitted to the Douglas County Delegation.

House File No. 14—An act to vacate certain portions of Kencelaur's addition to the town of Rulo proper, in Richardson County,

Was read the third time, passed, and the title agreed to.

Council File No. 54—An act to change the location of a portion of the Territorial road leading from St. Stephens to a point on the military road from Leavenworth to Fort Kearney,

Was read the third time, passed, and the title agreed to.

Council File No. 23—A bill for an act to amend chapter 6, of title 7, of the Revised Statutes of Nebraska,

Was indefinitely postponed.

House File No. 8—An act to authorize the Common Council of Nebraska City to make a further issue of bonds in aid of the high-school building fund of said city,

Was amended, read the third time, passed, and the title agreed to.

A message from the Governor:

Mr. President and Gentlemen of the Council:

I am instructed by the Acting Governor to inform your honorable body that he has approved and signed

An act to revive and continue in force the act to allow the funding of the indebtedness of the Territory, approved January 11, 1861.

R. S. KNOX,

Private Secretary.

Council File No. 36—An act to restrain sheep and swine from running at large in Nebraska,

Was made the special order for Tuesday next at 11 o'clock.

Council resolved itself into Committee of the Whole upon Council File No. 55, Mr. Doom in the Chair.

After some time the committee arose and reported progress, and asked leave to sit again.

Adjourned till half-past 2 o'clock P. M.

● AFTERNOON SESSION.

The Council went into Committee of the Whole.

After some time the committee arose and reported

Council File No. 55—An act to incorporate the Nebraska Institute for the Deaf and Dumb,

With amendments, to be engrossed.

Also,

Council File No. 52—An act relating to the custody of children in certain cases,

With amendments, to be engrossed.

Also,

Council File No. 17—An act to define a lawful fence, and for other purposes,

With amendments, to be engrossed.

Also,

Council File No. 19—An act to equalize the apportionment of Councilmen and Representative Districts,

To be recommitted to the Committee on Education.

The report was adopted, and the bills disposed of severally as recommended.

A message from the House, by Mr. Bowen, its Chief Clerk :

Mr. President—The House has passed bills of the following titles, viz. :

House File No. 15—An act authorizing Thomas Skeen and George Homewood to erect a mill-dam across the little Nemaha River, in Nemaha County.

Also,

House File No. 56—An act to amend chapter 1, Revised Statutes.

Also,

House File No. 61—An act to restrain stock from running at large in Hall and Merrick Counties.

Also,

House File No. 62—An act to restrain all animals from running at large in Monroe Precinct, in Platte County.

Also,

House File No. 69—Memorial and joint resolution praying for a mail route from Fontenelle, in Washington County, to Columbus, in Platte County.

In which I am directed to ask the concurrence of the Council.

I am also directed to inform the Council that the Acting Governor has approved and signed

House File No. 19—Memorial and joint resolution relative to a mail route from Columbus to Yankton.

Also,

House File No. 53—Joint resolution of thanks to the Hon. P. W. Hitchcock.

Council File No. 37—An act to amend replevin law,

Was reported from the Committee of the Whole that it be indefinitely postponed.

Report deferred.

Mr. Presson from the Committee on Incorporations reported
Council File No. 64—An act to authorize W. H. Reed and J. L. Davidson to erect a mill-dam across the Blue River in Seward County,
Without amendment.

Also,

House File No. 16—An act to authorize John Bent and Wm. Kneeland to build a mill-dam across the Great Nemaha River in Johnson County, Nebraska,

Without amendment.

Also,

House File No. 25—An act to authorize U. Bruner and J. D. Neligh to erect a mill dam across the Elkhorn River in Cuming County,

Without amendment.

Mr. Doom, from the Committee on Judiciary, reported

Council File No. 62—An act to amend section 122, chapter 14, of the Revised Statutes, entitled "decedents,"

Without amendment.

Also,

Council File No. 63—An act to amend section 17, of chapter 3, of the Revised Statutes, entitled "attorneys,"

Without amendment.

Also,

House File No. 45—An act to amend chapter 46 and 47 of the Revised Statutes,

And recommended that it be indefinitely postponed.

Mr. Doom introduced

Council File No. 64—Memorial and joint resolution relative to railroad lands,

Which was read twice and referred to the Committee on Judiciary.

Mr. Freeman introduced

Council File No. 67—Memorial and joint resolution to Postmaster General for the re-establishment of the mail route from Nebraska City,

Which was read twice and referred to the Committee on Federal Relations.

House File No. 15—An act authorizing Thomas Skeen and George Homewood to erect a mill-dam across the little Nemaha River, in Nemaha County,

Was read twice and referred to the Committee on Incorporations.

Mr. Wardell, on leave, introduced the following:

Resolved, That the Chief Clerk be required to inform this Council why the national colors are not displayed from its appropriate place on the Capitol, as required by resolution, and that he report in writing.

Council adjourned to 10 o'clock to-morrow.

COUNCIL CHAMBER,
Saturday, February 2, 1867. }

Council met pursuant to adjournment.

President in the Chair.

Prayer by the Chaplain.

Roll called; absent Mr. Baumer.

Journal read and approved.

Mr. Sheldon, from the Committee on Agriculture, reported

House File No. 44—An act to amend an act entitled an act to restrain cattle from running at large in Jones County,

Without amendment.

Also, from the Committee on Highways,

House File No 13.—An act to locate a Territorial road, from Fontenelle in Washington County to Columbus in Platte County,

Without recommendation.

Also,

House File No. 31—Joint preamble and resolution congratulating the Chicago and Northwestern Railroad Company upon the completion of their road,

Recommending that it pass.

Mr. Stewart, from the Committee on Expenditure, submitted a majority report upon

Council File No. 57—An act to locate the penitentiary of Nebraska,

Without amendment.

Mr. Bates submitted a minority report on the same bill.

Mr. Stewart, from the Committee on Engrossed Bills, reported Council Files Nos. 52, 55, and 51 correctly engrossed.

House File No. 56—An act to amend chapter 1 of the Revised Statutes of Nebraska,

Was read twice and referred to the Committee on Judiciary.

House File No. 61—An act to restrain stock from running at large in Hall and Merrick Counties,

Was read twice and referred to the Committee on Agriculture.

House File No. 62—An act to restrain all animals from running at large in Monroe Precinct, Platte County,

Was read twice and referred to the Committee on Agriculture.

House No. 69—Memorial and joint resolution praying a mail route from Fontenelle, in Washington County, to Columbus, in Platte County,

Was read twice and referred to the Committee on Federal Relations.

House File No. 43—An act to locate a Territorial road from Forest City in Sarpy County, to the Washington County line near Elkhorn City, in Douglas County,

Was read the second time and referred to the Committee on Highways.

Council File No. 37—An act to amend the replevin law came up.

The question being on the recommendation of the Committee on the Whole to immediately postpone,

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Doom, Freeman, Sheldon, and The President—8.

Nays—Messrs. Majors, Presson, Reeves, Stewart, and Wardell—5.

So it was postponed.

Council took a recess till half-past 2 P. M.

AFTERNOON SESSION.

Council was called to order.

Mr. Reeves moved to suspend the rules and the Council consider bills on the third reading.

It was so agreed.

Council File No. 30—An act to amend chapter 46 of the Revised Statutes entitled "revenue."

Mr. Doane to commit the bill to committee of one with instructions to strike out the last proviso in section 17.

It was so agreed.

The bill was thus amended and read the third time.

The question being upon its passage,

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doom, Freeman, Majors, Presson, Reeves, Sheldon, Stewart, Wardell, and The President—10.

Nays—Messrs. Bates, Doane, and Neligh—3.

So the bill passed, and title was agreed to.

Council File No. 52.—An act relating to the custody of children in certain cases,

Was read the third time, passed, and the title agreed to.

Council File No. 31—An act to attach Logan Creek Precinct to Dodge County,

Was called up.

Mr. Reeves in the Chair.

The bill was read the third time.

The question being Shall the bill pass?

The yeas and nays were demanded.

Yeas—Messrs. Baumer, Doom, Majors, Presson, Reeves, Rogers, Sheldon, Stewart, and Wardell—9.

Nays—Messrs. Bates, Doane, Freeman, and Neligh—4.

So the bill passed.

Its title was amended and agreed to.

Message from the House:

Mr. President—The House has passed bills of the following titles, viz.:

House File No. 65—An act for the relief of J. M. Hancock.

In which I am directed to ask the concurrence of the Council.

The House has passed bills of the Council of the following titles, viz.:

Council File No. 22—Memorial and joint resolution asking the Hon. Secretary of War to establish a fort, or sub-military post, on or near the Republican River.

Council File No. 32—Memorial and joint resolution relative to a daily mail route from America, Kansas, via Paynee City, Tecumseh, and other points, to Columbus, Nebraska,

Without amendment.

The House has concurred in the amendment made by the Council to

House File No. 8—An act to authorize the Common Council of Nebraska City to make a further issue of bonds in aid of the High School building-fund of said city.

Messrs. Child, Frost, and Harvey have been appointed a committee on the part of the House to act with a like committee of the Council to present

the joint resolution congratulating the Chicago and Northwestern Railroad, upon the completion of their road; to the officers of said road.

J. S. BOWEN,

Chief Clerk.

Council File No. 48—An act supplementary to an act entitled an act to incorporate the City of Brownville, approved February 12, 1864,

Was read the third time passed and the title agreed to.

Council File No. 51—A bill for an act to amend an act entitled "an act to revise an act entitled 'an act to consolidate Nebraska City, South Nebraska City and Kearney City and to incorporate Nebraska City,' approved December 31st 1857," and the several amendments to said act, approved February 12th, 1866,

Was read the third time, passed, and the title agreed to.

Council File No. 55—An act to incorporate the Nebraska Institute for the deaf and dumb.

Mr. Wardell moved to recommit with instructions to amend section 11 by striking out Omaha and inserting "and said institute shall be located in such County as shall subscribe and pay the greatest amount towards its establishment."

The yeas and nays were demanded:

Yeas—Messrs. Reeves, Sheldon, Stewart, and Wardell—4.

Nays—Messrs. Bates, Baumer, Doane, Doom, Freeman, Neligh, and Presson.

So it was not agreed to.

Mr. Stewart moved to recommit to a committee of one with instructions to strike out the word "Nebraska" before "institute."

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Presson, Reeves, Sheldon, Stewart, and Wardell—7.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Neligh, and The President—6.

So it was agreed to.

The bill was recommitted to Mr. Stewart.

It was reported back, read the second and third time, passed, and its title agreed to.

House File No. 21—An act to authorize the County Commissioners of Platte County to raise money to build a court-house and jail,

Having been reported back from the House with two of the amendments of the Council not concurred in and one of the amendments amended,

Upon motion of Mr. Doane that the Council do not concur in the amendment of the House,

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Doom, Freeman, Reeves, Sheldon, and Wardell—8.

Nays—Messrs. Neligh, Presson, and Stewart—3.

Mrs. Reeves moved that the Council insist upon its amendment.

It was agreed to.

Mr. Bates, on leave, introduced

Council File No. 68—Memorial and joint resolution to Congress for a mail route from Docotah City to Niobrara.

Mr. Reeves, on leave from special committee, reported

House File No. 38—An act to authorize and require the County Commissioners of Otoe County to levy a special tax on all taxable property in sub-school district No. 5, in town 8, range 14, in the County of Otoe sufficient to raise the sum of six hundred and fifty dollars,

With amendments.

Mr. Doom on leave submitted the following:

Mr. President—The Committee on Federal Relations have had under consideration

House File No. 36—Memorial and resolution for a mail route from Columbus to St. Johns, Iowa.

Also,

House File No. 66—Memorial and joint resolution relative to a mail route from St. Johns to Fremont, Nebraska.

Also,

House File No. 69—Memorial and joint resolution praying for a mail route from Fontenelle, in Washington County, to Columbus, in Platte County,

Also,

Council File No. 63—Memorial and joint resolution relative to a treaty with the Otoe and Missouri Indians.

And report the same back to the Council without amendment, and recommend the passage of the several bills.

J. E. DOOM, *Chairman*.

The Council adjourned till Monday at 10 o'clock.

MONDAY, FEBRUARY 4, 1867.

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COUNCIL CHAMBER.

Monday, February 4, 1867.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

Mr. Stewart presented a petition of citizens of Richardson County asking to be detached from said County and attached to Pawnee County.

Mr. Presson moved that the petition be referred to the Richardson County Delegation.

Mr. Stewart moved to refer it to the Committee on Counties.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Doom, Freeman, Majors, Reeves, Sheldon, Stewart, and Wardell—10.

Nays—Messrs. Neligh and Presson—2.

It was accordingly referred to the Committee on Counties.

Mr. Doom presented a petition of citizens of Plattsmouth to amend their city charter.

Also, a petition of citizens of Plattsmouth, asking the enactment of a law authorizing the City Council of said city to raise money to erect a high-school building.

Mr. Stewart, from the Committee on Education, to whom

Council File No. 19—An act to equalize the apportionment of Councilmen and Representative Districts of Nebraska,

Was recommitted, reported a substitute for the said bill.

Mr. Sheldon, from the Committee on Highways, reported

House File No. 43—An act to locate a Territorial road from Forest City, in Sarpy County, to the Washington County line, near Elkhorn City, in Douglas County,

Without recommendation.

Mr. Doom, from the Committee on Judiciary, submitted the following:

Mr. President—The Committee on Judiciary has had under consideration

Council File No. 47—A bill for an act declaring the effect of decrees in courts of equity,

With amendment.

Also,

MONDAY, FEBRUARY 4, 1867.

House File No. 22—An act to amend an act on evidence, title 10, chapter 1, Revised Statutes,

And recommend it to be indefinitely postponed.

Also,

Council File No. 60—An act to revise and continue in force an act to authorize the election of church wardens and vestrymen of the Protestant Episcopal Church, and defining their powers and duties, approved January 9, 1862,

With amendment.

Also,

Council File No. 66—Memorial and joint resolution in relation to railroad lands,

Without amendment.

House File No. 56—An act to amend chapter 1, Revised Statutes,

And recommend it be indefinitely postponed.

J. E. DOOM.

Mr. Stewart, from the Committee on Engrossed Bills, reported,

Council File No. 17—An act to define a lawful fence, and for other purposes,

Correctly engrossed.

Mr. Doane, from the special committee, reported

Council File No. 64—An act to incorporate the Fire Engine Company No. 1,

With amendment.

The following notices of bills were given:

By Mr. Stewart,

An act to attach one and a half townships of Richardson County to Pawnee County.

Also,

A bill to incorporate a coal mining company in Pawnee County, Nebraska.

By Mr. Presson,

A bill entitled "an act to provide for the convening of a convention to frame a Constitution for the future State of Nebraska."

Also,

A bill to attach Pawnee County to Richardson County.

Mr. Bates introduced

Council File No. 68—Memorial and joint resolution to Congress for a mail route from Dacotah City to Niobrarah.

Was read twice, and referred to the Committee on Federal Relations.

Mr. Reeves introduced

Council File No. 69—An act to amend chapter 18, part 1, of the Revised Statutes, entitled "estrays."

Was read twice, and referred to the Committee on Agriculture.

Mr. Baumer introduced

Council File No. 70—An act to incorporate the Interior Mining and Manufacturing Company.

Was read twice, and referred to special committee consisting of Messrs. Baumer and Majors.

Council File No. 71—An act to provide for the payment of judgments recovered against municipal corporations.

Was read twice, and referred to the Committee on Incorporations.

House File No. 65—An act for the relief of J. M. Hancock,

Was read twice, and referred to the Committee on Military Affairs.

The Council resolved itself Committee of the Whole upon several bills reported, Mr. Doom in the Chair.

After some time the committee arose and reported.

The report was received.

Council adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

The Council was called to order at hour adjourned to.

The several bills reported from the Committee of the Whole were taken up.

House File No. 5—An act making an appropriation to defray the expenses of the Legislature of Nebraska of July, 1866,

Was recommitted to a special committee consisting of Messrs. Reeves, Presson, and Doane.

House File No. 45—An act to amend chapters 46 and 47 of the Revised Statutes,

Was indefinitely postponed.

House File No. 46—An act to amend section 17, of chapter 19, part 1, of the Revised Statutes,

Was taken up, the question being upon the adoption of the report of the committee to indefinitely postpone.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Doom, Neligh, Reeves, Sheldon, and Wardell—8.

Nays—Messrs. Freeman, Majors, Presson, and Stewart—4.

So the bill was indefinitely postponed.

Council File No. 59—An act to provide for the election of Supervisors, and to further define their duties,

Was recommitted to a special committee consisting of Messrs. Sheldon and Wardell.

Substitute Council File No. 56—Memorial and joint resolution relative to mail routes,

Was read first, second, and third times, passed, and the title agreed to.

Council File No. 62—An act to amend section 122, chapter 14, of the Revised Statutes, entitled "decedents,"

Was read the third time, passed, and the title agreed to.

Council File No. 63—An act to amend section 17, of chapter 3, of the Revised Statutes, entitled "attorneys,"

Was read the third time, passed, and the title agreed to.

Council File No. 64—An act to authorize W. H. Reed and J. L. Davidson to erect a mill-dam across Blue River, in Seward County,

Was read the third time, passed, and title agreed to.

House File No. 10—An act to amend an act entitled "an act to incorporate the Peru Seminary and College,"

Was amended and read the third time, passed, and the title agreed to.

House File No. 13—An act to locate a Territorial road from Fontenelle, in Washington County, to Columbus, in Platte County,

Was amended and read the third time, passed, and the title agreed to.

House File No. 25—An act authorizing U. Bruner and J. D. Neligh to erect a mill-dam across the Elkhorn River, in Cuming County,

Was read the third time, passed, and the title agreed to.

House File No. 26—An act to amend an act entitled "an act to incorporate the Pioneer Hook and Ladder Company No. 1, at Omaha," approved

January 7, 1861,

Was read the third time, passed, and the title agreed to.

A message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House insists on its amendments to the amendment to the amendment of the Council to

House File No. 21—An act to authorize the County Commissioners of Platte County to raise money to build a court-house and jail,

And also insists upon their disagreement to the 5th and 6th amendments of the Council to said bill, and have appointed Messrs. Kelly, Gray, and Trumble a committee of conference on the disagreement of the two Houses on said bill.

In which I am directed to ask the concurrence of the Council.

House File No. 37—An act to amend section 1 of an act entitled "an act to revive and consolidate the several acts relative to the city of Omaha, and for other purposes," approved February 11, 1865,

Was amended and read third time, passed, and the title agreed to.

Message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed bills of the following titles, viz.:

House File No. 48—An act to incorporate the Forest City, Salt Creek, and Elkhorn Ferry Company.

House File No. 51—An act to empower County Commissioners to pay judges and clerks of elections in their respective counties.

House File No. 58—An act to amend section 3 of an act entitled "an act to incorporate the Omaha Insurance Company."

House File No. 60—An act to encourage the introduction and raising of sheep in Nebraska.

In which I am directed to ask the concurrence of the Council.

The House has passed a bill of the Council of the following title, viz.:

Council File No. 33—Bill to vacate all alleys in blocks 19 and 20 in Prairie City Addition to Nebraska City, Otoe County,

Without amendment.

Mr. Doane moved a committee of three be appointed to confer with a like committee appointed by the House, upon House File No. 21, in regard to the disagreement to amendments to said bill,

Which was agreed to, and Messrs. Doane, Freeman, and Majors appointed.

Mr. Wardell moved to appoint a committee to act in conjunction with the committee appointed by the House to present to the officers of the Chicago and Northwestern Railroad company a copy of the resolution passed by the Legislature of Nebraska,

Which was agreed to, and Messrs. Wardell and Neligh were appointed.

Council went Committee of the Whole upon bills reported, Mr. Reeves in the Chair.

After some time the committee arose and reported.

The report was received, to be acted on by each bill separately.

Council adjourned till 10 o'clock to-morrow.

COUNCIL CHAMBER,
Tuesday, February 5, 1867. }

Council met pursuant to adjournment.

President in the Chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

Mr. Stewart, from the Committee on Expenditures, reported
Council File No. 14—An act for the relief of Wm. McLennan,
Recommending that six dollars be allowed.

Mr. Majors, from the Committee on Military Affairs, reported
House File No. 65—An act for the relief of J. M. Hancock,
Without amendment.

Mr. Presson, from the Committee on Incorporations, reported
House File No. 15—An act authorizing Thomas Skeen and George
Homewood to erect a mill-dam across the little Nemaha River, in Nemaha
County,

Without amendment.

Also,

Council File No. 71—An act to provide for the payment of judgments
recorded against municipal corporations,

Without amendment.

Mr. Doom, from the Committee on Judiciary, submitted a majority
report upon

House File No. 30—An act to amend section 33, of chapter 17, of the
Revised Statutes, entitled "elections,"

With amendment.

Also, from the Committee on Federal Relations,

Council File No. 67—Memorial and joint resolution to the Postmaster General for the re-establishment of the mail route from Nebraska City to Kearney City,

Without amendment.

Also,

Council File No. 68—Memorial and joint resolution relative to a mail route from Dakota City to Niobrara,

Without amendment.

Mr. Stewart, from the Committee on Enrolled Bills, reported Council Files Nos. 22 and 32 correctly enrolled, signed by the Speaker of the House and President of the Council, endorsed by the Chief Clerk of the Council, and presented to the Governor for approval at 11 o'clock and 15 minutes — inst.

Mr. Reeves, from special committee, reported

House File No. 5—An act making an appropriation to defray the expenses of the Legislature of July, 1866,

With amendment.

Mr. Baumer, from special committee on

Council File No. 70—An act to incorporate the Interior Mining and Manufacturing Company,

Reported the same without amendment.

Mr. Sheldon, from special committee on

Council File No. 59—An act to provide for the election of Supervisors, and to further define their duties,

Reported the same with amendment.

Mr. Wardell, from the same committee, also reported the same with amendment.

Mr. Stewart introduced

Council File No. 72—An act to attach a portion of Richardson County to Pawnee County,

Which was read the first and second time, and referred to the Committee on Counties.

Mr. Neligh introduced

Council File No. 73—An act to establish a Territorial road from West Point, Cuming County, to Ponca, Dixon County,

Which was read twice, and referred to Messrs. Neligh and Bates, special committee.

Mr. Presson introduced

Council File No. 74—An act to vacate block 126, in Falls City,

Which was read the first, second, and third time, passed, and the title agreed to.

Mr. Doom introduced

Council File No. 75—An act to amend the various acts incorporating the city of Plattsmouth,

Which was read twice, and referred to the Cass County Delegation.

Mr. Majors introduced

Council File No. 76—An act to authorize D. C. Saunders to erect and keep a mill-dam across the little Nemaha River, in Nemaha County,

Which was read twice, and referred to the Committee on Incorporations.

House File No. 48—An act to incorporate the Forest City, Salt Creek and Elkhorn Ferry Company,

Was read the first time.

House File No. 51—An act to empower County Commissioners to pay judges and clerk of elections,

Was read the first time.

House File No. 58—An act to amend section 3 of an act to incorporate the Omaha Insurance Company,

Was read the first time.

House File No. 60—An act to encourage the introduction and raising of sheep,

Was read twice, and referred to the Committee on Judiciary.

House File No. 2—An act to confirm the title of William Henry Darlington to certain real estate in the city of Omaha,

Came up, on the report of the Committee of the Whole.

Mr. Doane moved to strike out the second section.

The yeas and nays were demanded:

Yeas—Messrs. Doane, Reeves, and Wardell—3.

Nays—Messrs. Baumer, Majors, Neligh, Presson, Sheldon, and Stewart—6.

So it was not agreed to.

Mr. Doane moved a call of the House.

The roll was called; absent, Mr. Freeman.

The Sergeant-at-Arms was despatched after absentees.

Upon the return of the Sergeant-at-Arms with Mr. Freeman, Mr. Stewart moved that all further proceedings under the call be dispensed with.

It was so agreed.

The question being upon the adoption of the report that the bill pass for third reading,

It was so ordered.

House File No. 66—Memorial and joint resolution relative to a mail route from St. Johns, Iowa, to Fremont, Nebraska,

Was laid on the table.

House File No. 22—An act to amend an act on evidence, title 10, chapter 1, of the Revised Statutes,

Was indefinitely postponed.

Council File No. 47—An act declaring the effect of decrees in courts of equity,

Was amended and ordered engrossed.

Council File No. 66—Memorial and joint resolution relative to railroad lands,

Was ordered engrossed.

Council File No. 53—An act to amend section 593, of chapter 1, of the Revised Statutes, entitled "error in civil cases,"

Was amended, and ordered engrossed.

Council File No. 36—An act to restrain sheep and swine from running at large in Nebraska,

Was ordered engrossed.

Council File No. 41—An act to allow salaries to the Judges of Probate, Being before the Council, on the report of the Committee of the Whole, the amendment was adopted.

Mr. Doane moved that the bill be indefinitely postponed.

The yeas and nays were demanded :

Yeas—Messrs. Bates, Doane, Freeman, Neligh, Reeves, Sheldon, and Wardell—7.

Nays—Messrs. Baumer, Doom, Majors, Preston, Stewart, and the President—6.

So it was agreed to.

Mr. Sheldon moved to reconsider.

The yeas and nays were demanded :

Yeas—Messrs. Baumer, Doom, Majors, Presson, Sheldon, Stewart, and the President—7.

Nays—Messrs. Bates, Doane, Freeman, Neligh, Reeves, and Wardell—6.

So the motion prevailed.

Mr. Doane moved that the bill lie on the table.

The yeas and nays were demanded :

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Neligh, Reeves, and Wardell—7.

Nays—Messrs. Doom, Majors, Presson, Sheldon, Stewart, and the President—6.

So it was agreed to.

Council File No. 60—An act to revive and continue in force “an act to authorize the election of church wardens and vestrymen of the Protestant Episcopal Church, and defining their duties,” approved January 9, 1862, Was read the third time, passed, and its title agreed to.

The Council took a recess till half-past 2 o'clock P. M.

Council called to order at the hour appointed.

A message from the House, by Mr. Bowen, its Chief Clerk :

Mr. President—I am instructed to inform the Council that the House has resolved to adjourn at half-past 3 o'clock, and that the Council be invited to meet in the Hall of the House at that hour for the purpose of an exhibition of the manner of teaching the deaf and dumb.

The Council went into Committee of the Whole on bills reported.

After some time the committee arose and reported, and asked leave to sit again.

Adjourned till 10 o'clock to-morrow.

COUNCIL CHAMBER,
Wednesday, February 6, 1867. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

Mr. Sheldon presented a remonstrance of citizens of Weeping Water opposing a herd law,

Which was referred to the Committee on Agriculture.

Mr. Stewart, from the Committee on Engrossed Bills, reported Council Files Nos. 36, 47, and 53, correctly engrossed.

Mr. Neligh, from special committee to whom referred
Council File No. 73—An act to locate a Territorial road from West Point, Cuming County, to Ponca, Dixon County,
Without amendment.

A message from the House, by Mr. Bowen, its Chief Clerk :

Mr. President—The House has passed bills of the following titles, viz. :

House File No. 17—An act relating to the sale and transfer of personal property under mortgage.

House File No. 28—An act to incorporate the Nebraska Mining and Manufacturing Company.

House File No. 52—An act to attach Lincoln County to the First Judicial District, and to create a term of court therein.

House File No. 55—An act to amend an act to restrain stock from running at large during the night in Wyoming, Delaware, McWilliams, Syracuse, Hendricks, Camp Creek, and Nebraska City Precints, Otoe County, Nebraska Territory.

House File No. 71—An act to locate a Territorial road from Tekama, Burt County, *via* Fontenelle, Washington County, to Fremont, Dodge County.

House File No. 72—An act to amend an act entitled "an act to make owners of stock liable for the damages they may do upon cultivated lands."

House File No. 75—An act to locate a Territorial road from Lancaster, in Lancaster County, to a point on the Platte River opposite Fremont, in Dodge County.

House File No. 92—An act to define the limits of Ashland.

In which I am directed to ask the concurrence of the Council.

The House has passed bills of the Council of the following titles, viz. :

Council File No. 54—An act to repeal an act to change the location of a portion of the Territorial road leading from St. Stephens to a point on the military road from Leavenworth to Fort Kearney.

Council File No. 55—A bill for an act to incorporate an institute for the deaf and dumb.

Council File No. 56—Memorial and joint resolution relative to mail routes,

Without amendment.

Also,

Council File No. 44—Bill for an act to incorporate the Omaha Gymnastic Society (Omaha Turnverein.)

With an amendment.

In which I am directed to ask the concurrence of the Council.

I am also directed to inform the Council that the House has indefinitely postponed the further consideration of a bill of the Council of the following title, viz.:

Council File No. 34—A bill for an act to amend chapter 4 of the code of civil procedure, and chapter 25 of the criminal code, passed at the Eleventh Session of the Legislative Assembly of the Territory of Nebraska.

I am also directed to inform the Council that the House has concurred in the amendments to the Council to bills of the House of the following titles, viz.:

House File No. 10—An act to amend an act, entitled "an act to incorporate the Peru Seminary and College."

House File No. 13—An act to locate a Territorial road from Fontenelle, in Washington County, to Columbus, in Platte County.

House File No. 37—An act to amend section 1 of an act entitled "an act to revise and consolidate the several acts relative to the city of Omaha, and for other purposes," approved February 11, 1865.

The Acting Governor of the Territory has notified the House that he did on yesterday approve and sign bills of the following titles, viz.:

House File No. 8—An act to authorize the Common Council of Nebraska City to make a further issue of bonds in aid of the high-school building fund of said city.

House File No. 14—An act to vacate portions of Kenceleur's addition to the town of Rulo proper, in Richardson County, Nebraska Territory.

Mr. Doom, from the Cass County Delegation, reported

Council File No. 75—A bill for an act to amend the various acts incorporating the city of Plattsmouth,

Without amendment.

Mr. Stewart, from the Committee on Enrolled Bills, reported Council Files Nos. 33 and 19 as properly enrolled, signed by the President of the Council and Speaker of the House, endorsed by the Chief Clerk of the Council, and delivered to the Governor for his approval, at 11 o'clock A. M., this 6th day of February, 1867.

Mr. Freeman presented the following:

Resolved, That the Committee on Finance, Ways, and Means, be instructed to draw up and present a bill, as soon as possible, for an appropriation to defray the general and incidental expenses of the Territory.

The rules were suspended and the resolution adopted.

Mr. Wardell moved that the Hon. E. S. Dundy, Judge of the Second Judicial District Court of this Territory, be and he is hereby invited to a seat within the bar of this Council.

It was agreed to.

Mr. Freeman gave notice of a bill to establish and define the boundary of Megeath and Cheyenne Counties.

Also,

A bill to attach said Counties to Buffalo County.

Mr. Presson, on leave, introduced

Council File No. 77—An act to change the name of Phillip M. Steel and Mary A. Watson,

Which was read the first and second time, passed, and its title agreed to.

Mr. Neligh, on leave, introduced

Council File No. 78—Joint resolution and memorial relative to the growing of timber,

Was read the first and second time, and referred to the Committee on Agriculture.

Mr. Stewart introduced

Council File No. 79—An act to incorporate the Pawnee County Coal Mining Company.

Was read the first and second time, passed, and the title agreed to.

Mr. Presson, on leave, introduced

Council File No. 80—An act to incorporate Falls City, Richardson County,

Which, by consent, was read the first, second, and third time, passed, and the title agreed to.

Mr. Reeves, on leave, introduced

Council File No. 81—An act to amend section 5, of chapter 55, part 1, of the Revised Statutes,

Which was read the first and second time, and referred to the Committee on Agriculture.

Mr. Majors, on leave, introduced

Council File No. 82—An act to amend section 109, of chapter 41, of the Revised Statutes, entitled "revenue,"

Which was read the first, second, and third time, passed, and the title agreed to.

House File No. 17—An act relating to the sale and transfer of personal property under mortgage,

Was read the first time.

House File No. 52—An act to attach Lincoln County to the First Judicial District and to create a term of court therein,

Was read the the first time.

House File No. 55—An act to amend an act entitled "an act to restrain stock from running at large during the night in Wyoming, Delaware, McWilliams, Syracuse, Hendricks, Camp Creek, and Nebraska City Precincts, Otoe County,

Was read the first time.

House File No. 28—An act to incorporate the Nebraska Mining and Manufacturing Company,

Was read twice, and referred to the Committee on Incorporations.

House File No. 48—An act to incorporate the Forest City, Salt Creek and Elkhorn Ferry Company,

Was read the second time, and referred to the Committee on Incorporations.

House File No. 92—An act to define the limits of Ashland,

By consent was read the first, second, and third time, passed, and the title agreed to.

House File No. 71—An act to locate a Territorial road from Tekamah, Burt County, *via* Fontenelle, Washington County, to Fremont, Dodge County,

Was read twice, and referred to Messrs. Neligh and Sheldon, a special committee.

House File No. 72—An act to amend an act entitled "an act to make owners of stock liable for damages they may do upon cultivated lands,"

Was read the first and second time, and referred to Nemaha Delegation, Mr. Majors.

House File No. 75—An act to locate a Territorial road from Lancaster, in Lancaster County, to a point on the Platte River opposite Fremont, in Dodge County,

Was read twice, and referred to the Committee on Highways.

House File No. 51—An act to empower County Commissioners to pay judges and clerks of elections in their respective Counties,

Was read the second time, and referred to the Committee on Expenditures.

House File No. 58—An act to amend section 3 of an act entitled “an act to incorporate the Omaha Insurance Company,”

Was read the second time, and referred to the Committee on Incorporations.

House File No. 9—An act to remove the distinctions on account of race and color, in the school laws of Nebraska,

Came up as the special order of the day.

Mr. Wardell moved to indefinitely postpone, and called for the yeas and nays:

Yeas—Messrs. Baumer, Freeman, Reeves, and Wardell—4.

Nays—Messrs. Bates, Doom, Majors, Neligh, Presson, Sheldon, Stewart, and the President—8.

So it was not agreed to.

Mr. Wardell moved a call of the House.

The roll was called; Mr. Doane absent.

Mr. Reeves moved that the Sergeant-at-Arms be despatched after absentees,

Which was not agreed to.

Mr. Presson moved to amend by inserting, “Provided nothing herein contained shall be construed to authorize the education of colored children in the same room with white children.”

Mr. Presson offered to amend the amendment by adding, “Whenever there shall be two rooms in the same school-house.”

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Freeman, and Presson—4.

Nays—Messrs. Doom, Majors, Neligh, Reeves, Sheldon, Stewart, and Wardell—7.

So it was not agreed to.

The question recurring on the motion of Mr. Reeves,

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and the President—7.

So it was not agreed to.

Mr. Wardell moved to adjourn,

Which was not agreed to.

Mr. Wardell moved to adjourn till half-past 2 o'clock,

Which was not agreed to.

Mr. Stewart moved that the bill be ordered for a third reading,

Which was agreed to.

Bills on third reading were taken up and the following entitled bills were read the third time, passed, and their titles agreed to.

Council File No. 17—An act to define a lawful fence and for other purposes.

Council File No. 63—Memorial and joint resolution relative to a treaty with the Otoe and Missouri Indians.

House File No. 2—An act to confirm the title of William Henry Darlington to certain real estate in the City of Omaha.

House File No. 3—An act to confirm the title of George Hindly to certain real estate in the City of Omaha.

House File No. 16—An act authorizing John Bentz and William Kneeland to build a mill dam across the Great Nemaha River in Johnson County.

House File No. 34—An act to amend section 14 of chapter 38 part first of the Revised Statutes.

House File No. 36—Memorial and joint resolution for a mail route from Columbus to St. Johns Iowa.

House File No. 38—An act authorizing the County Commissioners of Otoe County to levy a special tax on all the taxable property in sub-school District No. 5, township 8, range 14 in the County of Otoe, sufficient to raise \$650.

House File No. 43—An act to locate a Territorial road from Forest City, in Sarpy County to the Washington County line, near Elkhorn City in Douglas County,

House File No. 44—An act to amend an act entitled "an act to restrain cattle from running at large in Jones County."

House File No. 69—Memorial and joint resolution praying for a mail route from Fontenelle in Washington County to Columbus in Platte County.

Adjourned till 2 o'clock P. M.

AFTERNOON SESSION.

Council was called to order at the hour adjourned to, and resolved itself into Committee of the Whole.

After some time the committee arose reported progress, and asked leave to sit again.

A message from the Governor, by Mr. Knox, Private Secretary:

Mr. President and Gentlemen of the Council—I am instructed by the Acting Governor to inform your honorable body that he has approved and signed

Council File No. 33—An act to vacate alleys in Block 19 and 20 in Prairie City addition to Nebraska City.

Council File No. 32—Memorial and Joint resolution relative to a daily mail route from America, Kansas, via Pawnee City Tecumseh, and other points, to Columbus, Nebraska.

Council File No. 32—Memorial and joint resolution asking the Honorable Secretary of War to establish a fort or sub-military post on or near the Republican River.

A message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed bills of the following titles, viz:

House File No. 70—An act to incorporate a ferry on the Missouri River at Rock Bluffs.

House File No. 19—Memorial and joint resolution to Congress to locate a new Land Office at Columbus.

In which I am directed to ask the concurrence of the Council.

The House has passed bills of the Council of the following titles, viz:

Council File No. 37—A bill for an act to amend the law regulating interest,

Without amendment.

Council File No. 21—A bill for an act to locate a Territorial road from Plattsmouth to Blue River in Seward County.

Council File No. 51—An act to revise an act entitled "an act to revise an act entitled 'an act to consolidate Nebraska City, South Nebraska City, and Kearney City, and incorporate Nebraska City,' approved December 31, 1857, and the several amendments to said act approved February 12, 1866.

Council File No. 65—An act to authorize Lewis C. Elliot to establish and keep a ferry across the Missouri River, at Aspinwall, Nemaha County, Severally with amendment in which I am directed to ask the concurrence of the Council.

The Council resolved itself into Committee of the Whole upon the Apportionment bill.

After some time the committee arose and reported progress and asked leave to sit again.

A message from the House by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed bills of the following titles, viz:

House File No. 57—An act to confirm the election of Road Supervisors and to legalize their acts.

House File No. 7—An act to restrain stock from running at large in the night time in a portion of Richardson County.

House File No. 77—An act to promote the growth of forest trees.

House File No. 78—An act to authorize E. H. Benjamin, his associates, heirs and assigns to establish and keep a ferry across the Missouri River at Peru in Nemaha County.

In which I am directed to ask the concurrence of the Council.

The House has passed a bill of the Council of the following title, viz.:

Council File No. 26—An act to amend the code of civil procedure passed at the 11th session of the Legislative Assembly of Nebraska and for other purposes,

With an amendment in which I am directed to ask the concurrence of the Council.

The acting Governor of the Territory has notified the House that he did this day approve and sign bills of the following titles, viz.:

House File No. 26—An act to amend an act entitled an act to incorporate the Pioneer Hook and Ladder Company No. 1, at Omaha, approved January 7, 1861.

House File No 25—An act authorizing U. Bruner and J. D. Neligh to erect a mill-dam across the Elkhorn River in Cuming County.

House File No. 31—Joint preamble and resolution, congratulating the North-Western Railroad Company upon the completion of their road.

Mr. Doane, on leave, submitted a minority report upon

House File No. 12—An act to amend chapter 29 of the Revised Statutes of Nebraska,

Recommending that it be indefinitely postponed.

The Council adjourned till to-morrow at 10 o'clock.

COUNCIL CHAMBER,
Thursday, February 7, 1867.)

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

Mr. Stewart, from the Committee on Expenditures, reported

Council File No. 58—An act for the relief of Israel Swihart, Sheriff of Washington County,

That the provisions in section 7, chapter 26, page 235 are sufficient to meet cases of this kind.

The Committee, therefore, recommend that the bill be indefinitely postponed.

Also, from the Committee on Engrossed Bills, Council File No. 66, correctly engrossed.

Also, Council Files 34, 44 and 54, correctly enrolled, signed by the Speaker of the House, President of the Council, endorsed by the Chief Clerk of the Council, and presented to the Acting Governor for his approval at 10 o'clock and 30 minutes, this 7th day of February, 1867.

Also, Council Files 27, 55 and 56 correctly enrolled, signed by the Speaker of the House and President of the Council, endorsed by the Chief Clerk of the Council and presented to the Acting Governor for approval at 11 o'clock and 30 minutes this 7th day of February, 1867.

Mr. Baumer, from the Committee on Immigration presented the proceedings and resolutions of a meeting of the Board of Immigration, wherein the Board recommended twenty thousand dollars be appropriated for the use of the Board, and recommend that ten thousand dollars be so appropriated.

Mr. Sheldon from the Committee on Highways reported
House File No. 75—An act to locate a Territorial Road from Lancaster in Lancaster County, to a point on the Platte River opposite Fremont in Dodge County,

With amendments.

Also,
House File No. 29—An act to amend chapter 17, section 2, of the Revised Statutes,

Without recommendation.

Also, from the Committee on Agriculture,
House File No. 62—An act to restrain all animals from running at large in Monroe Precinct in Platte County,

With amendment.

Also,
House File No. 61—An act to restrain stock from running at large in Hall and Merrick Counties,

Without amendment.

Mr. Neligh, from select committee, reported
House File No. 71—An act to locate a Territorial road from Tekamah, Burt County, via Fontenelle, Washington County, to Fremont, in Dodge County,

Without amendment.

Mr. Majors, from select committee, reported

House File No. 72—An act to amend an act entitled "an act to make owners of stock liable for damage they may do upon cultivated lands,

Without amendment.

Mr. Sheldon introduced

Council File No. 84—Memorial and joint resolution relative to a mail route,

Which, by leave, was read three times, passed, and its title agreed to.

The following bills, by suspension of the rules, were read the first and second times and referred :

House File No. 57—An act to confirm the election of Supervisors, and to legalize their acts,

To Committee on Judiciary.

House File No. 70—An act to restrain stock from running at large in the night time, in a portion of Richardson County,

To Richardson County Delegation.

House File No. 78—An act to authorize E. H. Benjamin, his associates, heirs, and assigns to establish and keep a ferry across the Missouri River at Peru, in Nemaha County,

To Committee on Incorporations.

House File No. 77—An act to promote the growth of forest trees,

To Committee on Agriculture.

House File No. 76—An act to incorporate a ferry on the Missouri River at Rock Bluffs,

To Committee on Incorporations.

House File No. 79—Memorial and joint resolution to Congress for a new land office at Columbus,

To Committee on Federal Relations.

House File No. 17—An act relating to the sale and transfer of personal property under mortgage,

To Committee on Judiciary.

House File No. 55—An act to amend an act entitled "an act to restrain stock from running at large during the night in Wyoming, Delaware, McWilliams, Syracuse, Hendricks, Camp Creek, and Nebraska City Precincts, Otoe County,

Was read the second and third time, passed, and the title agreed to.

Upon motion of Mr. Doane, the following bills amended by the House, were taken up and amendments of the House concurred in :

Council File No. 26—An act to amend the code of civil procedure passed at the Eleventh Session.

Council File No. 21—An act to locate a Territorial road from Platts-mouth to Blue River, in Seward County.

Council File No. 65—An act to authorize Lewis C. Elliot to establish and keep a ferry across the Missouri River at Aspinwall, Nemaha County.

Council File No. 51—Substituted by "an act to incorporate Nebraska City" by change of title.

The following bills were read the third time, passed, and their titles agreed to :

Council File No. 47—An act declaring the effect of decrees in courts of equity.

Council File No. 36—An act to restrain swine from running at large in Nebraska.

Council File No. 53—An act to amend section 593, of chapter 1, of the Revised Statutes, entitled "error in civil cases."

House File No. 9—An act to remove the distinctions on account of race and color in the school laws of Nebraska.

The question being upon the passage of the bill, the yeas and nays were demanded :

Yeas—Messrs. Doane, Doom, Majors, Neligh, Presson, Reeves, Sheldon, Stewart, Wardell, and the President—10.

Nays—Messrs. Bates, Baumer, and Freeman—3.

So the bill passed.

The question being upon agreeing to its title, Mr. Doane moved to substitute the following, to-wit :

"An act to amend sections 18 and 48, of chapter 48, part 1, of the Revised Statutes, entitled 'school,'"

Upon which the yeas and nays were demanded :

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and the President—7.

So it was not agreed to.

Mr. Reeves moved to amend the title so it would read: "An act to amend the school laws of Nebraska,"

Which was not agreed to.

Mr. Doane moved the following as the title: "An act to provide for an enumeration of all youth of Nebraska, and for taxation of the property of colored persons, for school purposes."

The yeas and nays were demanded :

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and the President—7.

So it was not agreed to.

Mr. Presson moved to reconsider the vote by which the bill passed.

Mr. Doane moved to lay the motion on the table.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and the President—7.

So the motion to lay on the table was not agreed to.

The question recurring upon the motion to reconsider.

The yeas and nays were demanded:

Yeas—Messrs. Majors, Presson, and Stewart—3.

Nays—Messrs. Bates, Baumer, Doane, Doom, Freeman, Reeves, Sheldon, Wardell, and the President—9.

So it was not agreed to.

The question now being upon agreeing to the title,

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and the President—7.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

So the title was agreed to.

Council adjourned until half-past 2 o'clock P.M.

Council was called to order at the hour adjourned to.

House File No. 5—An act making appropriations to pay the expenses of the Legislature of July, 1866,

Was amended and recommitted to Committee on Expenditures.

Message from the Governor, by Mr. Knox, his Private Secretary:

Mr. President and Gentlemen of the Council—I am instructed by the Acting Governor to inform your honorable body that he has approved and signed

Council File No. 54—An act to change the location of the Territorial road leading from St. Stephens to a point on the military road from Leavenworth to Fort Kearney.

Council File No. 44—An act to incorporate the Omaha Gymnastic Society (Omaha Turnverein.)

Council File No. 55—An act to incorporate an Institute for the Deaf and Dumb.

Council File No. 27—An act to amend the law regulating interest.

Council File No. 56—Memorial and joint resolution relative to sundry mail routes.

A message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed bills of the following titles, viz.:

House File No. 67—An act to provide for the publication of the laws of Nebraska.

House File No. 84—An act to locate a Territorial road from the north line of Gage County, up the valley of the Big Blue River, to Columbus, in Platte County.

House File No. 85—An act to establish a Territorial road from West Point, Cuming County, to North Fork, Madison County.

House File No. 86—An act to define the limits of Clay, Webster, Hamilton, Adams, and Franklin Counties.

House File No. 90—An act to restrain stock from running at large in Nemaha County.

House File No. 91—An act to repeal so much of an act approved January 12, 1866, entitled "an act to restrain stock from running at large in Plattford and Forest City Precincts, Sarpy County, Nebraska," as relates to Plattford Precinct.

In which I am directed to ask the concurrence of the Council.

The House has passed bills of the Council of the following titles, viz.:

Council File No. 20—An act to declare the ages of majority.

Council File No. 60—A bill for an act to revive and continue in force "an act to authorize the election of church wardens and vestrymen of the Protestant Episcopal Church, and defining their powers and duties," approved January 9, 1862.

Council File No. 64—An act to authorize W. H. Reed to erect a mill-dam across Blue River, in Seward County.

Without amendment.

Mr. Reeves on leave introduced

Council File No. 85—An act to authorize the County Commissioners of Otoe County to appoint Superintendent of Public Buildings.

Council adjourned till 10 o'clock to-morrow.

COUNCIL CHAMBER,
Friday, February 8, 1867. } Minn.

Council met pursuant to adjournment.

President in the Chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

Mr. Doane presented a petition of citizens of Omaha asking the passage of a law by which Commissioners shall determine a uniform grade for the entire city and when approved by the City Council, shall be unalterable.

Referred to Mr. Doane as a special committee.

Mr. Stewart, from the Committee on Expenditures, reported

House File No. 51—An act to empower County Commissioners to pay Judges and Clerks of election in their respective Counties,

Without amendment.

Mr. Presson, from the Committee on Incorporations, reported

House File No. 76—An act to incorporate a ferry on the Missouri River at Rock Bluffs,

With amendment.

Mr. Wardell, from the select committee to whom was referred

Council File No. 49—An act to incorporate the Nebraska City, Nebraska, and Fort Riley, Kansas, Railroad Company,

With instructions to make amendment, report the bill with amendment to be engrossed.

Mr. Reeves gave notice of a memorial and joint resolution relative to the Burlington and Missouri River Railroad land grant.

Mr. Presson introduced

Council File No. 86—An act to provide for a County Assessor in each of the Counties of Richardson and Gage,

Which was read the first and second time and referred to Mr. Presson as a special committee,

Mr. Doane introduced

Council File No. 87—An act to authorize the City of Omaha to raise one hundred thousand dollars to secure a railroad bridge across the Missouri River at Omaha,

Which was read the first time.

Mr. Doom introduced

Council File 88—An act to authorize the Common Council of the City of Plattsmouth to raise money to erect a central or high school building.

Read the first time.

The following bills were severally read the second time and referred to the appropriate committees:

Council File No. 85—An act to authorize the County Commissioners of Otoe County to appoint a Superintendent of Public Buildings.

To Mr. Doane, as special committee.

On leave, Mr. Presson introduced

Council File No. 89—An act to authorize the County Commissioners of Richardson County to purchase land for the County at tax sales.

House File No. 84—An act to locate a Territorial road from the North line of Gage County, up the valley of the Big Blue River, to Columbus in Platte County,

To Committee on Highways.

House File No. 85—An act to locate and establish a Territorial road from West Point, Cuming County, to the North Fork in Madison County,

Referred to Mr. Neligh, special committee.

House File No. 86—An act to define the limits of Clay, Webster, Hamilton, Adams, and Franklin Counties,

To Committee on Counties.

House File No. 67—An act to provide for publication of the laws of Nebraska.

To Committee on Judiciary.

House File No. 90—An act to restrain stock from running at large in Nemaha County,

To Committee on Elections.

House File No. 91—An act to repeal so much of an act approved Feb. 12 1866, entitled an act to restrain stock from running at large in Plattford and Forest City Precinct in Sarpy County, Nebraska,

To Committee on Agriculture.

Mr. Presson, on leave reported from special committee a substitute for

Council File No. 86—An act to provide for a County Assessor in each of the Counties of Richardson and Gage.

Council File No. 59—An act to provide for the election of Supervisors and to further define their duties,

Was ordered engrossed.

House File No. 5—An act making appropriations for defraying the expenses of the Legislature of July, 1866,

to Was reported back by the Committee on Expenditures, amended.
The bill as amended was read the third time, passed, and its title agreed to.

Council adjourned till half-past two o'clock P. M.

AFTERNOON SESSION.

The Council was called to order at the hour adjourned to.

Council File No. 19—An act to equalize the apportionment of the Councilmen and Representative Districts of Nebraska.

Came up as the special order of the day.

The Council resolved itself into Committee of the Whole on the bill, Mr. Presson in the Chair.

After some time the Committee arose and reported.

The report was received.

Its further consideration was deferred till to-morrow.

A message from the House by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed bills of the following titles, viz.:

House File No. 32—An act to amend an act on courts as found in chapter 13, section 45, of the Revised Statutes.

House File No. 54—An act to vacate Kountz's first addition to the city of Omaha.

House File No. 68—An act to exempt firemen from jury, militia, and road duty.

House File No. 80—An act to amend chapter 18, sections 2, 3, 6, and 9, of the Revised Statutes.

House File No. 82—An act to organize the township of Richland, in the County of Washington.

House File No. 89—An act to amend an act on bonds, chapter 5, section 24, of the Revised Statutes of the Territory of Nebraska.

House File No. 95—An act for the location of a Territorial road from Jackson, Dakota County, to intersect a road leading from Ponca to West Point.

House File No. 96—An act to restrain stock from running at large during the night, in Johnson County.

House File No. 97—An act to provide for canvassing votes in certain cases.

In which I am directed to ask the concurrence of the Council.

The House has passed bills of the Council of the following titles, viz.:

Council File No. 86—An act to incorporate Falls City, Richardson County,

With an amendment.

In which I am directed to ask the concurrence of the Council.

The Council adjourned till to-morrow at 10 o'clock.

COUNCIL CHAMBER,

Saturday, February 9, 1867.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

The following bills were reported from committees:

Council File No. 85—An act to authorize the County Commissioners of Otoe County to appoint Superintendent of Public Buildings.

By Mr. Doane, special committee, with amendments.

By Mr. Presson, Committee on Incorporations,

Council File No. 1—An act to incorporate the Platte River Bridge Company.

To be indefinitely postponed.

Also,

House File No. 78—An act authorizing E. H. Benjamin, his associates, heirs, and assigns to establish and keep a ferry across the Missouri River at Peru, in Nemaha County, Nebraska,

Without amendment.

Also,

House File No. 58—An act to amend section 3, of an act entitled "an act to incorporate the Omaha Insurance Company,"

Without amendment.

Also,

House File No. 48—An act to incorporate the Forest City, Salt Creek and Elkhorn Ferry Company,

With amendments.

Also,

House File No. 28—An act to incorporate the Nebraska Mining and Manufacturing Company,

Without amendment.

Also,

House File No. 7—An act to restrain stock from running at large in the night time, in a portion of Richardson County,

Without amendment.

By Messrs. Wardell and Doom, from Committee on Incorporations, a majority report on

Council File No. 1—An act to incorporate the Platte River Bridge Company,

With amendment, and recommend its passage.

By Mr. Stewart, Committee on Counties,

House File No. 41—An act to enlarge the limits of Jones County,

Reported a substitute entitled

House File No. 41—An act to enlarge the limits of Jefferson County.

Also, from Committee on Education,

House File No. 90—An act to restrain stock from running at large in Nemaha County,

Corrected.

By Mr. Presson, from Committee on Incorporations,

Council File No. 76—An act to authorize D. C. Saunders to erect and keep a mill-dam across the little Nemaha River, in Nemaha County,

Without amendment.

By Mr. Neligh, select committee,

House File No. 85—An act to locate and establish a Territorial road from West Point, Cuming County, to North Fork, Madison County.

A message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed a bill of the following title, viz.:

House File No. 117—An act to vacate the alleys in blocks Nos. 5 and 18 in Brown's addition to Brownville.

In which I am directed to ask the concurrence of the Council.

Mr. Stewart, from Committee on Engrossed Bills, reported Council File No. 59 correctly engrossed.

Also, from Committee on Enrolled Bills, Council Files Nos. 20, 64, 60, and 65, properly enrolled, signed by the Speaker of the House and President of the Council, and endorsed by the Chief Clerk of the Council, and presented to the Acting Governor for approval at 11 o'clock, February 9, 1867.

The rules were suspended and the following bills were introduced, read the first and second time, and referred to their appropriate committees:

By Mr. Bates,

Council File No. 93—An act for the location of a Territorial road from Iona, Dixon County, to the mouth of the Humbug, in Stanton County,
To Committee on Highways.

By Mr. Reeves,

Council File No. 92—Memorial and joint resolution relative to the Burlington and Missouri River Railroad land grant,
To the Committee on Federal Relations.

By Mr. Majors,

Council File No. 90—An act to authorize the County Commissioners of Nemaha County to grant or withhold licenses for the sale of malt, spirituous or vinous liquors outside the towns and cities now incorporated.

Special committee, Messrs. Presson, Majors, and Bates.

By Mr. Presson,

Council File No. 89—An act authorizing the County Commissioners of Richardson County to purchase land for the County, at tax sales.

To Richardson County Delegation, with instructions to prepare a substitute.

House File No. 54—An act to vacate Kountz's first addition to the city of Omaha,

Was read the first time.

The following bills came up on first reading, and on leave, were read the first and second time, and referred to committees:

House File No. 97—An act to provide for canvassing votes in certain cases,

To Committee on Judiciary.

House File No. 32—An act to amend an act on courts as found in chapter 13, section 45, of the Revised Statutes,

To same committee.

House File No. 68—An act to exempt firemen from jury, militia, and road duty,

To Committee on Incorporations.

House File No. 80—An act to amend chapter 18, sections 2, 3, 6, and 9, of the Revised Statutes,

To Committee on Judiciary:

House File No. 82—An act to organize the township of Richland, in the County of Washington;

To the Committee on Finance:

House File No. 89—An act to amend an act on bonds, chapter 5, of section 24, of the Revised Statutes.

House File No. 95—An act for the location of a Territorial road from Jackson, Dakota County, to intersect a road leading from Poncha to West Point.

House File No. 97—An act to authorize the city of Omaha to raise one hundred thousand dollars to secure a railroad bridge across the Missouri River at Omaha.

Referred to Douglas County Delegation.

Council File No. 19—An act to equalize the apportionment of Councilmen Districts,

Came up on the report of the Committee of the Whole, that it be engrossed.

Mr. Doane moved to amend by striking out "Burt" from the First District.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Neligh, and Reeves—6.

Nays—Messrs. Doom, Majors, Presson, Sheldon, and the President—7.

So it was not agreed to.

Mr. Doane moved to strike out "Dodge" and insert "Burt."

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, and Neligh—5.

Nays—Messrs. Doom, Majors, Presson, Reeves, Sheldon, Stewart, Wardell, and the President—8.

So it was not agreed to.

Mr. Doane moved to strike out of the Fourth District all after "Sarpy," and insert "Dodge."

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, and Neligh—5.

Nays—Messrs. Doom, Majors, Presson, Reeves, Rogers, Sheldon, Stewart, and Wardell—8.

So it was not agreed to.

Mr. Doane moved to strike out of the Seventh District "one" and insert "two," and called for the yeas and nays:

Yeas—Messrs. Bates, Baumer, Doane, and Freeman—4.

Nays—Messrs. Doom, Majors, Neligh, Presson, Reeves, Sheldon, Stewart, and the President—9.

So it was not agreed to.

Mr. Doane moved to strike out "Lincoln" and "Kearney" from the Eleventh District.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, and Freeman—4.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and the President—7.

So it was not agreed to.

The report was then adopted, and the bill ordered to a third reading.

Adjourned till half-past 2 o'clock P. M.

AFTERNOON SESSION.

Council File No. 19—An act to equalize the apportionment of Councilmen Districts,

Was read the third time.

The question being, Shall the bill now pass?

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doom, Majors, Presson, Reeves, Sheldon, Stewart, Wardell, and the President—9.

Nays—Messrs. Bates, Doane, Freeman, and Neligh—4.

So the bill passed.

Its title was agreed to,

Council File No. 58—An act for the relief of Israel Swihart, Sheriff of Washington County,

Was recommitted to Committee on Expenditures.

House File No. 72—An act to amend an act entitled "an act to make owners of stock liable for damages they may do on cultivated lands,"

Was referred to a special committee, Mr. Majors,

House File No. 29—An act to amend chapter 17, section 2, of the Revised Statutes,

Indefinitely postponed.

The rules were suspended and the following bills passed severally, and their titles agreed to:

House File No. 119—An act to vacate the alleys in blocks Nos. 5 and 18, in Brown's addition to Brownville,

Council File No. 88—An act to authorize the Common Council of the city of Plattsmouth to raise money to erect a central high-school building.

House File No. 62—An act to restrain all animals from running at large in Monroe Precinct, in Platte County.

House File No. 75—An act to locate a Territorial road from Lancaster, in Lancaster County, to a point on the Platte River, opposite Fremont, in Dodge County.

House File No. 76—An act to incorporate a ferry on the Missouri River, at Rock Bluff.

House File No. 65—An act for the relief of J. M. Hancock.

House File No. 15—An act authorizing Thomas Skeen and George Homewood to erect a mill-dam across the little Nemaha River, in Nemaha County.

House File No. 61—An act to restrain stock from running at large in Hall and Merrick Counties.

Council File No. 49—An act to incorporate the Nebraska City and Fort Riley Railroad and Telegraph Company.

Council File No. 39—An act to provide for the election of Supervisors, and further define their duties.

Council File No. 80—An act to incorporate Falls City, Richardson County.

Amendment of the House concurred in.

Council File No. 39—Joint resolution on the Constitutional Amendment, Being called up as on third reading,

Mr. Doane arose to a point of order: that the bill having been considered in the Committee of the Whole and having failed to be reported from the committee, it should be treated as unfinished business.

The Chair decided that the point was not well taken. The bill appearing from its endorsements to have been engrossed, and there being record of any report from the Committee of the Whole in regard to it, it could only be treated as on third reading.

Mr. Doane appealed from the decision of the Chair.

The question being, Shall the decision of the Chair stand as the judgment of the House?

The yeas and nays were demanded, Mr. Reeves in the Chair:

Yeas—Messrs. Doom, Majors, Neligh, Presson, Rogers, Sheldon, and Stewart—7.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

So the Chair was sustained.

Mr. Reeves moved that the further consideration of the bill be postponed.

The yeas and nays were demanded :

Yeas—Messrs. Bates, Doane, Freeman, Reeves, and Wardell—5.

Nays—Messrs. Baumer, Doom, Majors, Neligh, Presson, Sheldon, Stewart, and the President—8.

So it was not agreed to.

The bill was read the third time.

The question being, Shall the bill now pass ?

The yeas and nays were demanded :

Yeas—Messrs. Baumer, Doom, Majors, Neligh, Presson, Sheldon, Stewart, and the President—8.

Nays Messrs. Bates, Doom, Freeman, Reeves, and Wardell—5.

So the bill passed ; its title was agreed to.

The following bills came up on third reading, and were read the third time, passed, and their titles agreed to.

Council File No. 66—Memorial and joint resolution relative to Railroad lands.

Council File No. 67—Memorial and joint resolution to the Post Master General, for the re-establishment of the mail route from Nebraska City to Kearney City.

Council File No. 68—Memorial and joint resolution to Congress for a mail route from Dakota City to Niobrara.

Council File No. 70—An act to incorporate the Interior Mining and Manufacturing Company.

Council File No. 73—An act to locate and establish a Territorial road from West Point, Cuming County, to Ponca, Dixon County.

Council File No. 75—An act to amend the various acts incorporating the City of Plattsmouth.

Council File No. 86—An act to provide for a County Assessor in each of the Counties of Richardson, Gage, Stanton, and Madison.

Council File No. 88—An act to authorize the Common Council of Plattsmouth to raise money to erect a central high-school building and for other purposes.

Council File No. 71—An act to provide for the payment of judgments recovered against municipal corporations,

Was ordered engrossed.

Council File No. 64—An act to incorporate the Fire Engine Company No. 1, at Omaha,

Was ordered engrossed.

Message from the Acting Governor, by Mr. Knox, Private Secretary :

Mr. President and Gentlemen of the Council—I am instructed by the Acting Governor to inform your honorable body that he has approved and signed

Council File No. 60—An act to revive and continue in force an act to authorize the election of church wardens and vestrymen of the Protestant Episcopal Church and defining their powers and duties, approved January 9, 1862.

Council File No. 64—An act to authorize W. H. Reed and J. S. Davison to erect a mill-dam across Blue River in Seward County, Nebraska.

Council File No. 65—An act to authorize Lewis C. Elliot to establish and keep a ferry across the Missouri River at Aspinwall, in Nemaha County, Nebraska.

R. S. KNOX, *Private Secretary.*

Message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed a bill of the following title, viz.:

House File No. 121—An act to authorize the City of Bellevue, in Sarpy County to raise money to aid in the construction of a Railroad bridge across the Missouri River.

In which I am directed to ask the concurrence of the Council.

The House has passed bills of the Council of the following titles, viz.:

Council File No. 12—Bill to amend chapter 56 of Revised Statutes entitled revenue.

Council File No. 17—An act to define a lawful fence and for other purposes.

Council File No. 63—Memorial and Joint resolution relative to a treaty with the Otoe and Missouri Indians.

Council File No. 74—An act to vacate block 126 in Falls City,

Council File No. 77—An act to change the names of Phillip M. Steele and Mary A. Watson.

Council File No. 79—An act to incorporate the Pawnee County Coal Mining Company.

Council File No. 82—An act to amend section 109, chapter 46, Revised Statutes, entitled revenue.

Without amendment.

Council No. 48—An act supplementary to an act entitled "an act to incorporate the City of Brownville," approved February 12, 1864.

With an amendment in which I am directed to ask the concurrence of the Council.

The House has adopted the report of the committee of conference on the disagreeing votes of the two Houses on

House File No. 21.—An act to authorize the County Commissioners of Platte County to raise money to build a court-house and jail.

The Acting Governor of the Territory has notified the House that he did on this day approve and sign bills of the following titles, viz.:

House File No. 2.—An act to confirm the title of William Henry Darlington to certain real estate in the City of Omaha:

House File No. 13.—An act to locate a Territorial road from Fontenelle in Washington County, to Columbus, in Platte County.

House File No. 16.—An act to authorize John Bentz and William Kneeland to build a mill-dam across the Great Nemaha River, in Johnson County.

House File No. 37.—An act to amend section 1 of an act entitled "an act to revise and consolidate the several acts relative to the City of Omaha and for other purposes," approved February 11, 1865.

House File No. 38.—An act to authorize and require the County Commissioners of Otoe County to levy a special tax on all the taxable property in sub-school district No. 5, township 8, range 14, east, in Otoe County, Nebraska, sufficient to raise the sum of six hundred and fifty dollars.

House File No. 92.—An act to define the limits of the town of Ashland in Saunders County.

The Council adjourned till to-morrow at 10 o'clock.

COUNCIL CHAMBER,
Monday, February 11, 1867. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called; absent, Mr. Neligh.

Journal read and approved.

Mr. Reeves presented a petition from attorneys of Nebraska City for salaries to Judges of Probate.

Referred to Committee on Judiciary.

Mr. Doom presented a petition from citizens of Saline County to legalize the organization of Saline County.

Referred to the Committee on Counties.

The following bills were reported by Mr. Sheldon, from Committee on Agriculture:

Council File No. 91—An act to repeal so much of an act approved February 12th, 1866, entitled "an act to restrain stock from running at large in Plattford and Forest City Precincts, Sarpy County," as relates to Plattford Precinct,

Without amendment.

Also,

Council File No. 78—Joint resolution and memorial relative to the growing of timber,

Without amendment.

Also,

House File 77—An act to promote the growth of forest trees.

Council File 81—An act to amend section 5 of chapter 55, part 1 of the Revised Statutes.

With amendment.

Also, from the Committee on Highways,

Council File No. 83—An act for the location of Territorial road from Iona, Dixon County to the mouth of the Humbug in Stanton County.

House File No. 84—An act to locate a territorial Road from the North line of Gage County up the valley of the Big Blue River to Columbus in Platte County.

A message from the Governor, by Mr. Knox, his private Secretary:

Mr. President and Gentlemen of the Council—I am instructed by the Acting Governor to return to your honorable body an act entitled "an act to amend chapter 4th of the Code of Civil Procedure, passed at the 11th session of the Legislative Assembly of the Territory,"

With his objections to said act.

Mr. Stewart, from the Committee on Counties, reported

House File No. 86—An act to define the limits of Clay, Webster, Hamilton, Adams, and Franklin Counties.

Also from the Committee on Engrossed Bills, Council Files No. 87, 71 and 64, correctly engrossed, and Council Files No. 12, 77, 82, and 126, properly enrolled, signed and endorsed and presented to the Governor for approval at 12 o'clock this day.

Mr. Presson, from Committee on Finance reported

Council File No. 61—An act for the relief of S. B. Harrington,

With amendment.

Mr. Majors, from special committee, reported

House File 72—An act to amend an act entitled "an act to make owners of stock liable for damages they may do upon cultivated lands."

Mr. Bates from special committee reported

Council File No. 95—An act for a Territorial road from Jackson, Dakota County, to intersect a road from Ponca to West Point.

Mr. Doom submitted the following:

Mr. President—The Committee on Federal Relations, to whom was referred so much of the Governor's message as referred to the grant of land to the Burlington and Missouri Railroad Company,

Also,

Council File No. 92—A memorial and joint resolution relative to the Burlington and Missouri River Railroad land grant,

Have had the same under consideration and beg leave to report, that your committee was at a later day of the session ordered to act in conjunction with a committee appointed on the part of the House of Representatives to consider that portion of the Governor's message to which reference has been made. The joint committee not having any reliable information upon which to base a recommendation have made a report to the House asking to be discharged from the further consideration of the subject, and your committee would ask the same.

Council File No. 92 is a memorial to the present Secretary of the Interior asking him to revoke a decision of his predecessor upon the subject of the same land grant. Your committee not being able to obtain a copy of the decision to which reference is made deem it highly improper to memorialize the present Secretary for the reversal of a decision of the provisions of which your committee are ignorant.

It is to be presumed in the absence of proof that the Secretary of the Interior having the law before him and possessing a knowledge of the facts would not so far forget his high position and the responsibilities attached to his office as to make a decision violating the law and disregarding the principles of justice.

Therefore your committee would recommend that the memorial and joint resolution be indefinitely postponed.

J. E. DOOM,
WM. BAUMER,
W. A. PRESSON.

The following bills were introduced, and by suspension of the rules, were read the first and second time and referred:

By Mr. Doom,

Council File No. 91—An act to legalize the organization of Saline County,
To Committee on Judiciary.

By Mr. Wardell,

Council File No. 94—An act to give the informer one-half of the fines
and penalties recovered and collected in certain cases,
To Committee on Judiciary.

By Mr. Stewart,

Council File No. 95—An act to amend an act entitled, "an act to repeal
an act to change the location of a Territorial road leading from St. Stephens
to a point on the military road from Leavenworth to Ft. Kearney."

By Mr. Presson,

Council File No. 96—An act to restore to Joseph Deroin his civil rights.

House File No. 54—An act to vacate Kountz's first addition to the city
of Omaha,

Referred to the Douglas County Delegation.

House File No. 121—An act to authorize the city of Bellevue, in Sarpy
County, to raise money to aid in the construction of a railroad bridge across
the Missouri,

Was read the first time.

The Council resolved itself into Committee of the Whole on

Council File No. 1—An act to incorporate the Platte River Bridge
Company.

After some time, the committee arose and reported, recommending that the
bill be engrossed.

The report was adopted.

The amendments of the House to

Council File No. 48—An act supplementary to an act to incorporate the
city of Brownville,

Were concurred in.

Council File No. 41—An act to allow salaries to Judges of Probate,
Was taken up.

Mr. Doane moved to amend by striking out the word "three" and insert
"one."

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Neligh, Reeves, Sheldon,
Stewart, and Wardell—10.

Nays—Messrs. Majors, and Presson—2.

So it was agreed to.

House File No. 30—An act to amend section 33, of chapter 17, of the Revised Statutes, entitled "elections,"

Was called up.

Mr. Doane moved to amend by striking out the word "male."

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and Rogers—7.

So it was not agreed to.

Mr. Doane moved to add: "Provided that no negro or Indian shall be entitled to vote under the provisions of this act who cannot read the Constitution of the United States and write his own name, or who does not possess property of the value of \$250."

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and the President—7.

So it was not agreed to.

The bill was ordered to its third reading.

Council File No. 85—An act to authorize the County Commissioners of Otos County to appoint Supervisors of Public Buildings,

Was amended so as to apply to Douglas County, and ordered engrossed.

Mr. Stewart, from Committee on Enrolled Bills, reported Council Files Nos. 26, 17, 63, and 79 properly enrolled, signed and endorsed, and presented to the Governor for approval at 5 o'clock, P. M., this day.

Council adjourned till 10 o'clock to-morrow.

COUNCIL CHAMBER,
Tuesday, February 12, 1867.

Council met pursuant to adjournment.

President in the Chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

Mr. Neligh presented a petition from the County Commissioners of Stanton County, asking for herd law.

Referred to the Committee on Agriculture.

The following bills were reported from committees :

By Mr. Presson, from Committee on Finance,

Council File No. 89—An act to authorize the County Commissioners of Richardson County to purchase lands for the County, at tax sales,
With a substitute.

By Mr. Sheldon, from Committee on Highways,

Council File No. 95—An act to amend an act entitled “an act to repeal an act to change the location of a Territorial road leading from St. Stephens to a point on the military road from Leavenworth to Fort Kearney,” approved February 7, 1867,

Without amendment.

Also, from the Committee on Agriculture,

Council File No. 69—An act to amend chapter 18, part 1, of the Revised Statutes, entitled “estrays,”

With amendments.

By Mr. Presson, from Committee on Incorporations,

House File No. 68—An act to exempt firemen from jury, militia, and road duty,

Without amendment.

By Mr. Majors, from special committee,

Council File No. 90—An act to authorize the County Commissioners of Nemaha County to grant or withhold licenses for the sale of malt, spirituous or vinous liquors outside the towns and cities now incorporated,

Without amendment.

By Mr. Doane, from special committee,

Council File No. 87—An act to authorize the city of Omaha to raise one hundred thousand dollars to secure a railroad bridge across the Missouri river at Omaha,

With amendment.

The amendment was adopted under suspension of the rules, and the bill ordered engrossed for third reading to-day.

Mr. Stewart, from Committee on Expenditures, reported

Council File No. 58—An act for the relief of Israel Swihart, Sheriff of Washington County; and that the said Swihart should be paid for his services either by the County of Washington or the Territory.

Also, from Committee on Engrossed Bills, Council Files Nos. 87, 41, and 85, correctly engrossed.

Also, on Enrolled Bills, Council File No. 80 properly enrolled, signed and endorsed; and presented to the Governor for his approval, at 11 o'clock, this day.

A message from the House, by Mr. Bowen, its Chief Clerk :

Mr. President—The House has passed bills of the following titles, viz.:

House File No. 4—An act providing for a geological survey of the Territory of Nebraska.

House File No. 64—An act to amend section 34, of chapter 46, of the revenue law.

House File No. 103—An act declaring the legal title of the north-east quarter of section No. 10, in township 13, range 10, to be vested in M. J. Shields.

House File No. 107—An act to locate a Territorial road from a point on the Steam-wagon road, in township 9, north of range 9, east of 6th principal meridian, in Otoe County, to Columbus, in Platte County.

House File No. 110—An act to amend section 48 of the Revised Statutes, entitled "schools."

House File No. 113—An act to authorize A. C. Briggs and J. F. Briggs to erect a mill-dam across Logan Creek, in Washington County, Nebraska Territory.

House File No. 125—An act to change the name of L'eau-qui-Court County to that of Emmett.

In which I am directed to ask the concurrence of the Council.

The House has passed bills of the Council of the following titles, viz.:

Council File No. 52—An act relating to the custody of children in certain cases.

Council File No. 52—An act to amend section 122, chapter 14, of Revised Statutes, entitled "decedents."

Council File No. 66—Memorial and joint resolution relative to railroad lands.

Council File No. 67—Memorial and joint resolution to Postmaster General for the re-establishment of the mail route from Nebraska City to Kearney City.

Council File No. 68—Memorial and joint resolution to Congress for a mail route from Dakota City to Niobrarah.

Council File No. 73—An act to locate and establish a Territorial road from West Point, Cuming County, to Ponca, Dixon County.

Council File No. 84—Memorial and joint resolution relative to a mail route.

Severally without amendment.

Council File No. 9—An act to prescribe the fees and define the duties of certain officers, and for other purposes.

Council File No. 30—An act to amend chapter 46 of the Revised Statutes, entitled "revenue."

Severally with amendments.

In which I am directed to ask the concurrence of the Council.

The House has agreed to the amendments of the Council to

House File No. 5—An act making an appropriation to defray the expenses of the Legislature of July, 1866.

House File No. 62—An act to restrain all animals from running at large in Monroe Precinct in Platte County.

House File No. 75—An act to locate a Territorial Road from Lancaster in Lancaster County, to a point on the Platte River opposite Fremont in Dodge County.

House File No. 76—An act to incorporate a ferry on the Missouri River at Rock Bluff.

The Acting Governor has notified the House that he did this day approve and sign bills of the following titles, viz. :

House File No. 10—An act to amend an act entitled "an act to incorporate the Peru Seminary and College."

House File No. 34—An act to amend section 14, chapter 38, part 1, of the Revised Statutes.

House File No. 3—An act to confirm the title of George Hindly to certain real estate in the city of Omaha.

House File No. 43—An act to locate a Territorial road from Forest City in Sarpy County, to the Washington County line, near Elkhorn City, in Douglas County.

The following bills were read the first time:

Council File No. 98—An act to incorporate the Bellevue Ferry and Bridge Company.

House File No. 40—An act providing for a geological survey of the Territory of Nebraska.

House File No. 110—An act to amend section 48 of the Revised Statutes, entitled "schools."

Message from the Governor, by Mr. Knox, his Private Secretary :

The Honorable, the Council—I herewith return to your honorable body, in which it originated, "an act to declare the ages of majority in Nebraska Territory," without my approval.

I do not think that the changes proposed, although not specially objectionable in themselves, are sufficiently important to warrant the amendment of the present law. While it is true that benefits might accrue, in rare cases, to improvident minors, by the changes contemplated, it is equally true that injuries might also result therefrom. There are dishonest and improvident guardians as well as reckless and abandoned husbands. The marriage at sixteen might become necessary to save the patrimony of the ward from a

faithless guardian, it might also happen that the use of the property of the ward between the ages of sixteen and eighteen would lay the foundation for the future wealth and prosperity of the family, but under the proposed amendments the guardian, if so disposed, could withhold it.

In view of these considerations, and of the fact that the proposed amendments would tend to the complication of the statutes, which have been revised and carefully placed in one volume in order that by the simplicity of their arrangement, the people might, in very many cases, readily inform themselves as to their duties and responsibilities under the law, without the expense of employing counsel; and because of the probable change which is soon to take place in our entire form of government, bringing new duties, and the necessity for new laws, I have thought it to be my duty to return this act.

Very respectfully, your ob't serv't,

ALGERNON S. PADDOCK.

EXECUTIVE OFFICE, Omaha, Nebraska, February 12, 1867.

The following bills were read the second time, and referred to committees:

House File No. 103—An act declaring the legal title of the north-east quarter of section 19, in township No. 13, range 10, to be vested in M. J. Shields,

To Committee on Judiciary.

House File No. 113—An act to authorize A. C. Briggs and J. F. Briggs to erect a mill-dam across Logan Creek, in Washington County,

To Committee on Incorporations.

House File No. 125—An act to change the name of L'eau-qui-Court County to that of Emmett,

To special committee, Messrs. Neligh and Bates.

House File No. 121—An act to authorize the city of Bellevue, in Sarpy County, to raise money to aid in the construction of a railroad bridge across the Missouri River,

To Committee on Highways.

House File No. 107—An act to locate a Territorial road from a point on the Steam-wagon road, in Otoe County, to Columbus, in Platte County.

House File No. 64—An act to amend chapter 46 of the revenue law.
Read the first time.

House File No. 51—An act to empower County Commissioners to pay clerks and judges of elections in their respective Counties.

Laid on the table.

Council File No. 81—An act to amend section 5, chapter 55, part 1, Revised Statutes,

Was ordered engrossed.

House File No. 41—An act to enlarge the limits of Jefferson County,
Was amended and ordered engrossed.

The following bills were read the third time, passed, and the titles agreed to:

House File No. 51—An act to amend section 3 of an act entitled "an act to incorporate the Omaha Insurance Company.

House File No. 84—An act to locate a Territorial road from the south line of Gage County, up the valley of the Big Blue River, to Columbus, in Platte County.

House File No. 28—An act to incorporate the Nebraska Mining and Manufacturing Company.

House File No. 48—An act to incorporate the Forest City, Salt Creek and Elkhorn Ferry Company.

House File No. 91—An act to repeal so much of an act approved February 12, 1866, entitled "an act to restrain stock from running at large in Plattford and Forest City Precincts, Sarpy County, Nebraska," as relates to Plattford Precinct.

House File No. 72—An act to amend an act entitled "an act to make owners of stock liable for the damages they may do upon cultivated lands."

House File No. 86—An act to define the limits of Clay, Webster, Hamilton, Adams, and Franklin Counties.

Council adjourned.

COUNCIL CHAMBER,
Wednesday, February 13, 1867. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called; absent, Messrs. Bates and Freeman.

Journal read and approved.

Mr. Doom presented petitions of Wallace relative to the rates of freight and passage charged by the Union Pacific Railroad Company.
Referred to Committee on Federal Relations.

The following bills were reported from Committees:

By Mr. Doom, from Committee on Judiciary,

House File No. 67—An act to provide for the publication of the laws of Nebraska.

Also,

Council File No. 91—An act to legalize the organization of Saline County,
Without amendment.

Also,

House File No. 97—An act to provide for canvassing votes in certain cases.

Council File No. 94—An act to give to the informer one-half of the fines and penalties recovered and collected in certain cases.

House File No. 57—An act to confirm the election of Road Supervisors, and to legalize their acts.

With amendments.

By Mr. Doane, from special committee,

House File No. 54—An act to vacate Kountze addition to the City of Omaha,

Without amendment.

Also,

House File No. 24—An act to regulate the grade of the City of Omaha.

With amendment.

Also, from the committee of conference on the House amendments to House File No. 21, reported an agreement of the committee.

The report was adopted.

Mr. Stewart, from Committee on Engrossed and Enrolled Bills, reported Council Files Nos. 1 and 81 correctly engrossed.

Also, Council Files Nos. 21, 48, 52, and 62 properly enrolled, signed and endorsed, and presented to the Governor for his approval at 11 o'clock this day.

Also, Council Files Nos. 60, 67, 68, 73, and 87, properly enrolled, signed and endorsed, and presented to the Governor at 12 o'clock and 30 minutes.

Message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—I am instructed to inform the Council that an error has been found in a bill of the House which has passed both Houses, viz.:

House File No. 26—Memorial and joint resolution for a mail route from Columbus to St. Johns, Iowa,

By unanimous consent the House has agreed to amend said title by adding at the end of the first clause the words "is necessary."

The concurrence of the Council is requested.

By consent the amendment was concurred in.

The following bills were introduced:

By Mr. Presson,

Council File No. 99—Joint resolution for the relief of Geo. W. Doane,

Which, by suspension of the rules, was read three times, passed, and its title agreed to.

By Mr. Neligh,

Council File No. 100—An act to restrain stock from running at large in Stanton County.

Read three times, passed, and its title agreed to.

By Mr. Doane,

Council File No. 101—An act to exempt agricultural lands from taxation for city purposes within the corporate limits of Omaha City,

Read the first time.

By Mr. Presson,

Council File No. 102—An act to strike out the word "male" from the election laws of Nebraska.

Read the first time.

Message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has passed bills of the following titles, viz.:

House File No. 81—An act to provide for the apportionment of the Territorial school funds.

House File No. 94—An act to locate a Territorial road from Fort Calhoun in Washington County, to Fontenelle in same County.

House File No. 98—An act to establish a ferry at St. Deroin, Nemaha County.

House File No. 102—An act to repeal an act entitled “an act to attach Saunders County to Cass County for judicial, election, and revenue purposes, and to provide for holding courts in said County of Saunders.”

House File No. 104—An act to define the boundaries of certain new Counties in Nebraska.

House File No. 105—An act to change the boundary lines of Hall and Merrick Counties.

House File No. 108—An act to amend sections 1037 of chapter 11 of part 2nd of the Revised Statutes of the Territory of Nebraska entitled Code of Civil Procedure, and to repeal sections 1038, 1039, and 1040, and so much the provisions of said chapter as conflicts with the provisions of this act.

House File No. 111—An act to attach certain portions of the Territory of Nebraska to the First Judicial District of said Territory.

House File No. 114—An act to amend an act in chapter 67, section 14 of the Revised Statutes.

House File No. 116—An act to provide an additional bounty on wolves and wild-cats, in certain Counties.

House File No. 119—Memorial and joint resolution relative to a mail route.

House File No. 127—Memorial and joint resolution requesting Congress to appropriate money to furnish the Capitol at Omaha.

In which I am directed to ask the concurrence of the Council.

The House has passed bill of the Council of the following title:

Council File No. 31—An act to attach Logan Creek Precinct to Dodge County,

Without amendment.

The Acting Governor of the Territory has notified the House that he did on this day approve and sign bills of the following titles, viz.:

House File No. 44—An act to amend an act entitled “an act to restrain cattle from running at large in Jones County.”

House File No. 55—An act to amend an act entitled “an act to restrain stock from running at large during the night in Wyoming, Delaware, McWilliams, Syracuse, Hendricks, Camp Creek, and Nebraska City Precincts, Otoe County, Nebraska.

House File No. 112—An act to vacate the alleys in blocks Nos. 5 and 18 in Brown's addition to Brownville.

House File No. 15—An act authorizing Thomas Skeen and George Homewood to erect a mill dam across the Little Nemaha River, in Nemaha County.

House File No. 69—Memorial and joint resolution praying for a mail route from Fontenelle in Washington County, to Columbus in Platte County.

The following bills were read the first time:

House File No. 127—Memorial and joint resolution requesting the Congress to appropriate money to finish the Captol, at Omaha.

House File No. 105—An act to change the boundary lines of Hall and Merrick Counties.

House File No. 198—An act to amend section 1037 of chapter 11 of part 2 of the Revised Statutes of the Territory entitled Code of Civil Procedure and to repeal sections 1038, 1039, 1040, and so much of the provisions of said chapter as conflicts with the provisions of this act.

House File No 111—An act to attach certain portions of the Territory to the First Judicial District.

House File No. 104—An act to define the boundaries of certain new Counties.

The following bills were read the second time and referred:

House File No. 110—An act to amend section 48 of the Revised Statutes entitled "schools,"

To Committee on Education.

House File No. 64—An act to amend section 34 of chapter 46 of the revenue law,

To Committee on Education.

House File No. 40—An act providing for a geological survey of the Territory,

To Committee on Expenditures.

House File No. 119—Memorial and joint resolution relative to a mail route,

By suspension of the rules was read twice and referred to Committee on Federal Relations.

Also,

House File No. 116—An act to provide an additional bounty on wolves and wild-cats in certain Counties,

To special committee, Messrs. Majors and Presson.

House File No. 114—An act to amend an act on roads, chapter 47, section 14, of Revised Statutes,

To Committee on Highways.

House File No. 94—An act to locate a Territorial road from Fort Calhoun in Washington County, to Fontenelle, in the same County,

To Committee on Counties.

Council File No. 87—An act to authorize the city of Omaha to raise one hundred thousand dollars to secure a railroad bridge across the Missouri River at Omaha,

Having been ordered to a third reading yesterday, was called up by Mr. Doane, who moved that the bill be now read the third time.

Mr. Doom arose to a point of order, viz.: That the Council not having reached the regular order of business, to-wit, "bills on third reading," the motion could not be properly entertained without first suspending the rules.

The Chair decided the point well taken.

Mr. Doane appealed from the decision.

The question being, Shall the decision of the Chair stand as the judgment of the House?

The yeas and nays were demanded, Mr. Reeves in the Chair:

Yeas—Messrs. Doom, Majors, Presson, Sheldon, Stewart, and the President—6.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Neligh, Reeves, and Wardell—7.

So the Chair was not sustained.

Mr. Majors moved to adjourn,

Which was not agreed to.

Mr. Doom moved to recommit to the Committee on Expenditures.

Mr. Doane objected, that bills ordered for third reading could not properly be recommitted.

The Chair decided that the motion was in order.

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Presson, Sheldon, and Stewart—5.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Neligh, Freeman, and Wardell—7.

So it was not agreed to.

Mr. Stewart moved to recommit to a special committee, with the instructions that the bill be amended so that the people of Omaha may vote for or against the appropriation for the bridge.

The yeas and nays were demanded.

Mr. Doane arose to a point of order: that the bill having once been re-committed to a special committee, with instructions to strike out a similar provision, it could not properly again be recommitted for the purpose of restoring it.

The Chair ruled that the point was not well taken.

Mr. Doane appealed from the decision.

The question being, Shall the decision of the Chair stand as the judgment of the House?

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Presson, Sheldon, Stewart, and the President—6.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Neligh, Reeves, and Wardell—7.

So the Chair was not sustained.

Mr. Majors, moved that the further consideration of this bill be postponed till to-morrow at 10 o'clock.

The yeas and nays were demanded :

Yeas—Messrs. Doom, Majors, Presson, Sheldon, and Stewart—5.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Neligh, Reeves, and Wardell—7.

So it was not agreed to.

Mr. Doom moved to recommit to a select committee of three, with instructions to report a section exempting personal property from the operations of this act.

The yeas and nays were demanded :

Yeas—Messrs. Doom, Majors, Sheldon, and Stewart—4.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Neligh, Presson, Reeves, and Wardell—8.

So it was not agreed to.

Mr. Wardell moved to adjourn till 2 o'clock,
Which was not agreed to.

Mr. Stewart moved to adjourn till half-past 2.
Not agreed to ; yeas, 5 ; nays, 7.

Mr. Majors moved a call of the House.

Roll called ; all present.

Mr. Doane moved that all further proceedings under the call be dispensed with,

Which was agreed to.

Mr. Majors moved to postpone all further proceedings until to-morrow at 10 o'clock.

Ruled out of order.

Mr. Doom moved to go into Committee of the Whole.

Ruled out of order.

Mr. Doane moved the previous question.

The question being, Shall the main question be now put?

The yeas and nays were demanded :

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Neligh, Presson, Reeves, Stewart, and Wardell—9.

Nays—Messrs. Doom, Majors, and Sheldon—3.

So the main question was ordered.

The question recurring upon the motion of Mr. Doane, that the bill be read the third time,

It was agreed to.

The question being, Shall the bill now pass?

The yeas and nays were demanded:

Yeas—Messrs. Messrs. Bates, Baumer, Doane, Freeman, Neligh, Presson, Reeves, Stewart, Wardell, and the President—10.

Nays—Messrs. Doom and Sheldon—2.

So the bill passed; its title was agreed to.

Mr. Reeves, on leave, introduced

Council File No. 103—Joint resolution in relation to the legislative rolls,

Which, by consent, was read the first, second, and third time, passed, and title agreed to.

Upon motion of Mr. Majors, the rules were suspended, and bills on third reading taken up.

It was agreed to, and the following bills were severally read the third time, passed, and the titles agreed to, viz.:

Council File No. — An act to incorporate the Platte River Bridge Company.

Council File No. 64—An act to incorporate Fire Engine Company No. 1 of Omaha City.

Council File No. 71—An act to provide for the payment of judgments rendered against municipal corporations.

Council File No. 76—An act to authorize D. C. Saunders to erect and keep a mill-dam across the little Nemaha River, in Nemaha County.

Council File No. 81—An act to amend section 5, chapter 55, part 1, of the Revised Statutes.

Council File No. 83—An act for the location of a Territorial road from Iona, Dixon County, to the mouth of the Humbug, in Stanton County.

Council File No. 85—An act to authorize the County Commissioners of Otoe and Douglas Counties to appoint Superintendent of Public Buildings.

Council File No. 89—An act to authorize the County Commissioners of the several Counties in Nebraska to purchase lands for their respective Counties, at tax sales.

Council File No. 95—An act to amend an act entitled "an act to repeal an act to change the location of a Territorial road leading from St. Stephens

to a point on the military road from Leavenworth to Fort Kearney," approved February 7, 1867.

Council File No. 90—An act to authorize the County Commissioners of Nemaha County to grant or withhold licenses for the sale of malt, spirituous or vinous liquors outside the towns and cities now incorporated by law.

House File No. 95—An act for the location of a Territorial road from Jackson, Dakota County, to intersect a road leading from Ponca to West Point.

House File No. 30—An act to amend section 33, of chapter 17, of the Revised Statutes, entitled "elections."

House File No. 41 (by substitute of Council)—An act to enlarge the limits of Jefferson County.

House File No. 78—An act to authorize E. H. Benjamin, his associates, heirs, and assigns to establish and keep a ferry across the Missouri River at Peru, in Nemaha County.

House File No. 70—An act to restrain stock from running at large in the night time, in a portion of Richardson County.

Council File No. 41—An act to allow salaries to Judges of Probate,
Was read the third time.

The question being, Shall the bill pass?

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doom, Freeman, Majors, Presson, Reeves, Sheldon, Stewart, Wardell, and the President—10.

Nays—Messrs. Bates, Doane, and Neligh—3.

So the bill passed; its title was agreed to.

Council File No. 9—An act to prescribe fees and define the duties of certain officers, and for other purposes,

Came up for concurrence in the amendments of the House.

The Council now concurred.

Council File No. 30—An act to amend chapter 46 of the Revised Statutes, entitled "revenue,"

Came up for concurrence in the amendments of the House.

The Council concurred in the first, second, third, fourth, and fifth amendments.

The further consideration of the bill was deferred.

A message from the Acting Governor:

The Honorable, the Council—I return herewith to your honorable body, "an act to amend section 109, of chapter 41, of the Revised Statutes, entitled 'revenue,'" without my approval.

By reference to the Revised Statutes it will be seen that the chapter to be amended by the provisions of this act does not relate to the subject of revenue, but to precinct; and that there is no such section in this chapter as the one named in this act.

Very respectfully, your obed't serv't,

ALGERNON S. PADDOCK.

EXECUTIVE OFFICE, Omaha, Nebraska, February 13, 1867.

The Council adjourned till 10 o'clock to-morrow.

COUNCIL CHAMBER,
Thursday, February 14, 1867.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called; absent, Messrs. Bates, Baumer, Doane, and Neligh.

Journal read and approved.

Mr. Stewart presented petitions of citizens of Hall County, asking the western townships of Merrick County be attached to Hall County.

Referred to Committee on Counties.

Also, a remonstrance against the same.

Mr. Stewart, from the Committee on Counties, reported

House File No. 94—An act to locate a Territorial road from Fort Calhoun, in Washington County, to Fontenelle, in same County,

Without amendment.

Message from the House, by Mr. Bowen, its Chief Clerk:

Mr. President—The House has agreed to the amendment of the Council to

House File No. 72—An act to amend an act entitled "an act to make owners of stock liable for damages they may do upon cultivated lands."

The House has passed bills of the Council of the following titles, viz.:

Council File No. 39—Joint resolution on the Constitutional Amendment.

Council File No. 88—A bill for an act to authorize the Common Council of the city of Plattsmouth to raise money to erect a central or high-school building, and for other purposes.

Severally without amendment.

Council File No. 78—An act to amend the various acts incorporating the city of Plattsmouth,

With amendments.

In which I am directed to ask the concurrence of the Council.

Message from the Acting Governor:

The Honorable, the Council—I have the honor to notify your honorable body that I have just received official notification of the arrival of His Excellency, Alvin Saunders, Governor of the Territory, which was duly filed for record, in this office, at the hour of 12 o'clock and 10 minutes, this day.

Very respectfully, your obd't serv't,

A. S. PADDOCK, *Secretary.*

SECRETARY'S OFFICE, Omaha, Nebraska, February 14, 1867.

The following bills were reported from committees:

By Mr. Doom, from Committee on Federal Relations;

House File No. 79—Memorial and joint resolution to Congress to locate a new land office at Columbus.

By Mr. Presson, from Committee on Incorporations,

House File No. 113—An act to authorize A. C. Briggs to erect a mill-dam across Logan Creek, in Washington County.

Also, from special committee,

House File No. 116—An act to provide an additional bounty on wolves and wild-cats, in certain Counties.

By Mr. Neligh, from special committee,

House File No. 125—An act to change the name of L'eau-qui-Court County to that of Emmett.

Severally without amendments.

By Mr. Rogers, from special committee;

Council File No. 98—An act to incorporate the Bellevue Ferry and Bridge Company.

By Mr. Sheldon, from Committee on Highways, a majority report on

Council File No. 121—An act to authorize the city of Bellevue, in Sarpy County, to raise money to aid in the construction of a railroad bridge across the Missouri River,

With amendments.

Mr. Freeman, from the same, reported a minority recommendation to indefinitely postpone.

Message from the Governor, by Mr. Knox, his Private Secretary:

Mr. President and Gentlemen of the Council—I am instructed by the Acting Governor to inform your honorable body that he has approved and signed

Council File No. 74—An act to vacate block 126, in Falls City.

Council File No. 77—An act to change the names of Phillip M. Steele and Mary A. Watson.

Council File No. 79—An act to incorporate the Pawnee County Coal Mining Company.

Council File No. 17—An act to define a lawful fence, and for other purposes.

Council File No. 80—An act to incorporate Falls City.

Council File No. 63—Memorial and joint resolution relative to a treaty for the purchase of the Otoe and Missouri Indian Reservation.

Council File No. — An act to change the code of civil procedure passed at the Eleventh Session of the Legislative Assembly of the Territory of Nebraska, and for other purposes.

Council File No. 48—An act supplementary to an act entitled "an act to incorporate the city of Brownville," approved February 12, 1864.

An act to locate a Territorial road from Plattsburgh to the Blue River in Seward County.

Council File No. 62—An act to amend section 122, of chapter 14, of the Revised Statutes, entitled "decedents."

Council File No. 12—An act to amend section 1, of chapter 46, of the Revised Statutes of Nebraska, entitled "revenue."

Council File No. 73—An act to locate and establish a Territorial road from West Point, Cuming County, to Ponca, Dixon County.

Council File No. 62—Memorial and joint resolution for the establishment of the mail route from Nebraska City to Kearney City.

Council File No. 68—Memorial and joint resolution relative to a mail route from Dakota City to Niobrara.

Council File No. 84—Memorial and joint resolution relative to a tri-weekly mail route from Nebraska City, in Otoe County, to Ashland, in Saunders County.

The following bills, on leave, were introduced, read, and referred:

By Mr. Doane,

Council File No. 104—An act to provide for the payment of certain bonds issued by the City of Omaha.

To Douglas County Delegation.

By Mr. Baumer,

Council File No. No. 106—An act to authorize William D. Brown, his associates, or assigns, to erect a mill-dam across the Elkhorn River, in Washington County.

To special committee, Messrs. Baumer and Neligh.

By Mr. Neligh,

Council File No. 109—An act to incorporate the Fremont Ferry and Bridge Company.

By suspension was read three times, passed, and its title agreed to.

Mr. Freeman, on leave, introduced

Council File No. 105—An act to incorporate the Columbus Sheep Raising and Wool Manufacturing Company.

Read the first time.

House File No. 81—An act to provide for the apportionment of the Territorial school funds,

Was read the second time, and referred to the Committee on Finance.

House File No. 108—An act to amend section 1037, of chapter 11, of part 2, of the Revised Statutes of the Territory, entitled "code of civil procedure," and to repeal sections 1038, 1039, and 1040, and so much of the provisions of said chapter as conflicts with the provisions of this act,

Was read the second time, and referred to the Committee on Judiciary.

House File No. 111—An act to attach certain portions of the Territory of Nebraska to the First Judicial District,

Was read the second time, and referred to the Committee on Judiciary.

House File No. 127—Memorial and joint resolution requesting Congress to appropriate money to finish the Capitol at Omaha,

Was read the second time.

Mr. Majors moved it be indefinitely postponed.

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Presson, Reeves, Sheldon, Stewart, and Wardell—7.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Neligh, and the President—6.

So the bill was indefinitely postponed.

House File No. 105—An act to change the boundary lines of Hall and Merrick Counties,

Was indefinitely postponed.

Upon motion of Mr. Doom, the rules were suspended, and the amendments of the House to

Council File No. 85—An act to amend the various acts incorporating the city of Plattsmouth,

Were concurred in.

Council File No. 30—An act to amend chapter 46, of the Revised Statutes, entitled, "revenue,"

Was taken up.

Upon motion of Mr. Doane, the vote to concur in the fifth amendment was reconsidered.

On the motion of Mr. Majors, the Hon. T. W. Tipton, United States Senator elect of the State of Nebraska, was invited to a seat within the bar.

Council File No. 101—An act to exempt agricultural lands from taxation for city purposes within the corporate limits of the city of Omaha,

Was read the second time, and referred to Douglas County Delegation.

Council File No. 102—An act to strike the word "male" from the election laws of Nebraska,

Was read the second time, and referred to the Committee on Elections.

House File No. 104—An act to define the boundaries of certain new counties in Nebraska,

Was read the second time, and referred to the Committee on Counties.

On motion of Mr. Reeves, the rules were suspended, and

Council File No. 92—Memorial and joint resolution relative to the Burlington and Missouri River Railroad lands,

Was up, out of its order.

The Council went into Committee of the Whole on said bill.

After some time the committee arose and reported, recommending that the bill pass.

Mr. Majors offered to amend by striking out the words "your memorialists believe that the decision of the late Secretary of the Interior is erroneous; first, because—"

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Presson, Sheldon, Stewart, and the President—6.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Neligh, Reeves, and Wardell—7.

So it was not agreed to.

Mr. Doom moved to amend by adding that "the Union Pacific Railroad shall not be allowed to draw, from the public domain south of the Platte, lands for the construction of said road."

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Sheldon, and Stewart—4.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Neligh, Presson, Reeves, Wardell, and the President—9.

So it was not agreed to.

The bill was then read the third time.

The question being, Shall the bill now pass?

The yeas and nays were demanded:

FRIDAY, FEBRUARY 15, 1867.

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Majors, Neligh, Presson, Reeves, Stewart, Wardell, and the President—11.

Nays—Messrs. Doom and Sheldon—2.

So the bill passed; its title was agreed to.

The Council adjourned till 10 o'clock to-morrow.

COUNCIL CHAMBER,
Friday, February 15, 1867.

Council met pursuant to adjournment.
President in the Chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

Mr. Reeves moved that from this day to the end of the session the 25th rule be so modified that a majority of the Council voting on a question, may suspend the rules.

Mr. Doane moved to amend by excepting the two last clauses which may be suspended by a two-thirds vote.

The motion as amended was adopted.

Message from the House:

Mr. President—The House has passed a bill of the following title, viz: House File No. 130—An act for the location of the county seat of Hall County, by a vote of the people.

In which I am directed to ask the concurrence of the Council.

The House has agreed to the amendments of the Council, by way of substitute, for

House File No. 41—An act to enlarge the limits of Jones County.

The House insists upon their amendment to

Council File No. 9—An act to prescribe the fees and define the duties of certain officers, and for other purposes,

And has appointed Messrs. Crow, Butler, and Baker a committee to confer with a like committee of the Council upon the disagreement of the two Houses.

The House insists upon all their amendments to

Council File No. 30—An act to amend chapter 46 of the Revised Statutes, entitled "revenue."

JOHN S. BOWEN, Chief Clerk.

Mr. Stewart moved to reconsider the vote by which

House File No. 105—An act to change the boundary lines of Hall and Merrick Counties,

Was indefinitely postponed.

Mr. Doane moved to lay the motion on the table.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Doane, and Freeman—3.

Nays—Messrs. Baumer, Doom, Majors, Neligh, Presson, Reeves, Stewart, Sheldon, Wardell, and the President—10.

So it was not agreed to.

The motion to reconsider was adopted and the bill was referred to the Committee on Counties.

The Committee on Elections reported as follows:

Your committee to whom was referred

Council File No. 102—An act to strike out the word "male" from the election laws of Nebraska,

Have had the same under consideration and beg leave to report the same back, and recommend its indefinite postponement, for the reason that in the opinion of said committee, the effect of this change would not alter the general results as now obtained by our one universal law recognizing only male franchise, and would almost duplicate the expenses necessarily incurred in elections.

T. J. MAJORS,

J. E. DOOM,

WM. BAUMER,

The following bills were reported from committees:

By Mr. Doom, from Committee on Federal Relations,

House File No. 119—Memorial and joint resolution relative to a mail route.

Also, from Committee on Judiciary,

House File No. 32—An act to amend an act on courts as found in chapter 13, section 45 of the Revised Statutes,

With amendment.

Also, from Committee on Federal Relations,

House File No. 52—An act to attach Lincoln County to the First Judicial District, and to create a term of court therein.

Without amendment.

FRIDAY, FEBRUARY 15, 1867.

By Mr. Sheldon, from Committee on Highways:

House File No. 107—An act to locate a Territorial road from a point on the Steam-wagon road in township 9, north of range 9, east of the 6th principal meridian in Otoe County, to Columbus in Platte County;

Without amendment.

Also,

House File No. 114—An act to amend an act on roads, chapter 47, section 14, of the Revised Statutes,

To be indefinitely postponed.

By Mr. Stewart, from Committee on Education,

House File No. 64—An act to amend section 34, of chapter 46, of the Revised Statutes,

Without amendment.

Also,

House File No. 110—An act to amend section 48, of the Revised Statutes, entitled "schools,"

Without amendment—a majority report.

Mr. Wardell, from the same committee,

A minority report to indefinitely postpone House File No. 110.

By Mr. Doane, from special committee,

Council File No. 101—An act to exempt agricultural lands from taxation for city purposes, within the corporate limits of Omaha City,

Without amendment,

Also,

Council File No. 104—An act to provide for the payment of certain bonds issued by the City of Omaha,

Without amendment.

By Mr. Baumer, from special committee,

Council File No. 106—An act to authorize William D. Brown, his associates or assigns to erect and keep a mill-dam across the Elkhorn River in Washington County,

With amendment.

The amendment was adopted, the bill read the third time, passed, and its title agreed to.

Mr. Stewart, from the Committee on Enrolled Bills, reported Council File No. 31 properly enrolled, signed and endorsed; and presented to the Governor for approval at 1 o'clock this 14th inst.

Mr. Reeves moved a committee of conference to act with a like committee of the House on the House amendments to

Council File No. 30—An act to amend chapter 46 of the Revised Statutes entitled "revenue,"

Agreed to, and Messrs. Reeves and Presson appointed.

The following bills, by suspension of the rules, were read the first and second time, and referred to committees:

House File No. 130—An act for the location of the county-seat of Hall County by a vote of the people,

To Committee on Counties.

Council File No. 105—An act to incorporate the Columbus Sheep Raising and Wool Manufacturing Company,

To Committee on Incorporations.

Council File No. 110—An act to restrain stock from running at large in Monroe Precinct in Platte County,

To special committee, Messrs. Majors, Freeman, and Neligh.

Council File No. 111—An act making appropriations to pay the expenses of a called session of the State Legislature of Nebraska,

Referred to Committee on Expenditures.

The Council resolved into Committee of the Whole upon bills reported.

After some time the committee arose and reported several bills with recommendations.

House File No. 24—An act to regulate the grade of the City of Omaha, Came up as the special order of the day.

Mr. Doom moved to suspend the special order, and take up bills on third reading.

It was agreed to.

Mr. Reeves moved a committee of conference to act with a like committee of the House upon the House amendments to

Council File No. 9—An act to prescribe the fees and define the duties of certain officers.

Agreed to and Messrs. Reeves and Doane were appointed.

The following bills were read the third time, passed, and their titles agreed to, viz.:

House File No. 54—An act to vacate Kountz first addition to the City of Omaha.

Council File No. 61—An act for the relief of S. B. Harrington.

Council File No. 91—An act to legalize the organization of Saline County and for other purposes.

The Council resolved into Committee of the Whole on House File No. 24—An act to regulate the grade of the City of Omaha, Mr. Reeves in the chair.

After some time the committee arose and reported.

Council adjourned until ten o'clock to-morrow.

COUNCIL CHAMBER,
Saturday, February 16, 1867.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

Mr. Doom presented a remonstrance of the citizens of Omaha against House File No. 24—An act to regulate the grade of the city of Omaha.

Mr. Stewart, from the Committee on Counties, reported

House File No. 104—An act to define the boundaries of certain new counties,

With amendment.

Also, from Committee on Expenditures,

Council File No. 111—An act making appropriations to pay the expenses of the called session of the State Legislature of Nebraska,

With amendment.

Mr. Doom, on leave, introduced

Council File No. 113—An act making appropriations for the support of convicts,

Which, by consent, was read three times, passed, and its title agreed to.

Upon motion, the rules were suspended and

House File No. 67—An act to provide for the publication of the laws of Nebraska,

Was taken up.

Mr. Presson moved it be indefinitely postponed.

The yeas and nays were demanded.

Yeas—Messrs. Baumer, Majors, Neligh, Presson, and Stewart—6.

Nays—Messrs. Doane, Freeman, Reeves, Wardell, and the President—5.

So the bill was indefinitely postponed.

Council File No. 78—Joint resolution and memorial relative to growing timber.

Mr. Majors moved it be indefinitely postponed.

The yeas and nays were demanded:

Yeas—Messrs. Doane, Freeman, Majors, Presson, Reeves, Sheldon, and Wardell—7.

Nays—Messrs. Bates, Baumer, Doom, Neligh, and Stewart—5.

So it was agreed to.

The following bills were read the third time, passed, and their titles agreed to, viz.:

House File No. 113—An act to authorize A. C. Briggs and J. F. Briggs to erect a mill-dam across Logan Creek, in Washington County.

House File No. 85—An act to locate and establish a Territorial road from West Point, Cuming County, to North Fork, Madison County.

Council File No. 112—An act to amend an act to incorporate the South Nebraska Railroad Company.

On leave introduced by Mr. Reeves, read first, second, and third time, passed, and its title agreed to.

House File No. 23—An act to amend chapter 2 of the Revised Statutes, entitled "apportionment,"

Came up on the report of the Committee of the Whole to indefinitely postpone.

Mr. Doane moved to adopt the report of the committee.

Mr. Doom arose to a point of order: that the bill was not properly before the Council.

The Chair ruled that the point was not well taken.

Mr. Doane moved the previous question, which was seconded.

Mr. Stewart moved to adjourn till half-past two o'clock.

The yeas and nays were demanded:

Yeas—Messrs. Doom, Presson, Sheldon, and Stewart—5.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Neligh, and Wardell—7.

So it was not agreed to.

Mr. Presson moved a call of the House.

Roll called; all present.

Mr. Majors moved to adjourn to ten minutes past two.

The yeas and nays were demanded.

Yeas—Messrs. Doom, Majors, Presson, Sheldon, and Stewart—5.

Nays—Messrs. Bates, Baumer, Doane, Neligh, Reeves, and Wardell—6.

Not agreed to.

Mr. Presson asked leave to make a report, and was ruled out of order.

An appeal was taken, and the yeas and nays demanded.

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Majors, Neligh, Presson, Reeves, Sheldon, Stewart, and Wardell—11.

Nays—None.

So the decision of the Chair was sustained.

Mr. Stewart moved to adjourn till half-past 2 o'clock.

Not agreed to; 5 yeas; 7 nays.

Mr. Majors moved to recommit the bill.

The motion was ruled out of order.

The previous question having precedence, an appeal was taken.

The Chair sustained; 12 yeas; nays none.

A call of the House was moved; absent, Mr. Doom.

Mr. Stewart moved that the Sergeant-at-Arms be despatched after absentees.

Not agreed to; yeas, 6; nays, 6.

Mr. Doane moved that all further proceedings under the call be dispensed with.

Agreed to; yeas, 8; nays, 3.

Mr. Stewart moved a call of the House.

Ruled out of order.

An appeal was taken.

The Chair was sustained; yeas, 12; nays, none.

Mr. Majors moved to reconsider the vote on the appeal.

Not agreed to; yeas, 1; nays, 11.

Mr. Presson moved to adjourn till half-past 10 o'clock Monday.

Yeas, 4; nays, 8; not agreed to.

Mr. Stewart moved to reconsider.

Not agreed to; yeas, 5; nays, 7.

Mr. Presson moved that the Sergeant-at-Arms be despatched after the mail.

Ruled out of order.

An appeal was taken, and the Chair sustained; yeas, 12; nays, none.

Mr. Stewart moved to adjourn till 3 o'clock.

Yeas, 4; nays, 8; not agreed to.

Mr. Majors moved to reconsider.

Not agreed to; yeas, 5; nays, 7.

Mr. Doom moved the further consideration of the bill be postponed until to-morrow.

Ruled out of order.

An appeal was taken.

The Chair was sustained; yeas, 12; nays, none.

Mr. Doom moved to reconsider.

Not agreed to; yeas, 2; nays, 10.

Mr. Doom moved to adjourn to half-past 7 o'clock, P. M.

Not agreed to; yeas, 4; nays, 8.

Mr. Majors moved to reconsider.

Not agreed to; yeas, 5; nays, 7.

Mr. Presson moved a call of the House.

Ruled out of order, inasmuch as the call had once been made and all answered, since the previous question was moved and seconded.

An appeal was taken.

The Chair sustained; yeas, 12; nays, none.

Mr. Doom moved to adjourn till half-past 2 o'clock.

Ruled out of order.

An appeal was taken.

The Chair sustained; yeas, 12; nays, none.

Mr. Stewart moved to reconsider.

Not agreed to; yeas, 1; nays, 11.

Mr. Presson moved to adjourn till 10 o'clock Monday.

Not agreed to; yeas, 4; nays, 8.

Mr. Stewart moved to reconsider.

Ruled out of order.

Appealed.

The Chair was sustained; yeas, 12; nays, none.

Mr. Presson moved that the Sergeant-at-Arms be dispatched after copies of the Governor's Message.

Ruled out of order.

An appeal was taken.

The Chair sustained; yeas, 10; nays, 2.

Mr. Doom moved to adjourn till 2 o'clock.

Not agreed to ; yeas, 4 ; nays, 8.

Mr. Majors moved to reconsider.

Mr. Doane moved to lay the motion on the table.

Agreed to ; yeas, 7 ; nays, 5.

Mr. Stewart moved to adjourn till 2 o'clock and 35 minutes.

Not agreed to ; yeas, 5 ; nays, 7.

Mr. Presson moved that the further consideration be postponed for to-day.

Ruled out of order.

An appeal taken.

The Chair was sustained ; yeas, 10 ; nays, 1.

Mr. Stewart moved to adjourn till 4 o'clock.

Not agreed to ; yeas, 4 ; nays, 8.

Mr. Majors moved to reconsider.

Mr. Doane moved to lay the motion on the table.

Agreed to ; yeas, 7 ; nays, 5.

Mr. Stewart moved to go into Committee of the Whole.

Ruled out of order.

An appeal taken.

The Chair sustained ; yeas, 12 ; nays, none.

Mr. Presson moved that the Sergeant-at-Arms be despatched after blanks for the Clerk.

Ruled out of order.

Appeal taken.

The Chair sustained ; yeas, 12 ; nays, none.

Mr. Presson moved to lay the previous question on the table.

Ruled out of order.

An appeal taken.

The Chair sustained ; yeas, 12 ; nays, none.

Mr. Doom moved a recess of ten minutes.

Ruled out of order.

Mr. Presson moved that the pages be sent after dinner for the members.

Ruled out of order.

An appeal taken.

The Chair was sustained ; yeas, 12 ; nays, none.

Mr. Stewart moved to adjourn till half-past 7 o'clock.

Not agreed to ; yeas 4 ; nays, 8.

Mr. Majors moved to reconsider.

Mr. Doane moved to lay the motion on the table.

Agreed to ; yeas, 7 ; nays, 5.

Mr. Majors moved to recommit the bill to a committee of two.

Ruled out of order.

An appeal was taken.

The Chair sustained; yeas, 12; nays, none.

Mr. Majors moved to reconsider.

Mr. Doane moved to lay the motion on the table.

Agreed to; yeas, 9; nays, 3.

Mr. Presson moved to adjourn till one minute past 10 o'clock Monday.

Not agreed to; yeas, 5; nays, 7.

Mr. Stewart moved to reconsider.

Mr. Doane moved to lay the motion on the table.

Agreed to; yeas, 10; nays, 2.

Mr. Stewart moved to adjourn till 2 o'clock and 45 minutes.

Not agreed to.

Mr. Majors moved to reconsider.

Mr. Doane moved to lay on the table.

Mr. Majors demanded that the last motion should be reduced to writing.

The Chair decided that the rules authorized any member to require any motion to be in writing.

Mr. Doane appealed, as follows, to-wit:

"A motion to adjourn having been made and voted down, and a motion then made to reconsider that vote, and a motion then made to lay the motion to reconsider on the table, a demand is made by a member that the motion to lay on the table shall be submitted in writing, which the Chair ordered, and from which an appeal is taken on the ground that the motion is not debatable."

The question being, Shall the decision of the Chair stand as the judgment of the House?

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doom, Majors, Presson, Sheldon, Stewart, and the President—7.

Nays—Messrs. Bates, Doane, Freeman, Reeves, and Wardell—6.

So the Chair was sustained.

The question recurring on the motion to lay on the table.

It was agreed to; yeas, 7; nays, 5.

Mr. Majors moved that the vote on the appeal be reconsidered.

Not agreed to; yeas, 4; nays, 8.

Mr. Doom moved to adjourn till 7 o'clock and 1 minute.

Not agreed to.

Mr. Majors moved to recommit the bill.

Ruled out of order; yeas, 12; nays, none.

Mr. Majors moved to reconsider.

Mr. Doane moved to lay on the table.

It was so agreed; yeas, 7; nays 5.

Mr. Stewart moved to adjourn till ten minutes past 8 o'clock, P. M.

Not agreed to; yeas, 4; nays, 8.

Mr. Majors moved to reconsider.

Mr. Doane moved to lay the motion on the table.

Agreed to; yeas, 7; nays, 5.

The question being, Shall the main question be now put?

The yeas and nays were demanded.

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Majors, Neligh, Reeves, and Wardell—8.

Nays—Messrs. Doom, Presson, Sheldon, and Stewart—4.

So the question was ordered.

Mr. Majors moved to reconsider.

Mr. Doane moved to lay the motion on the table.

It was so agreed.

Mr. Majors moved to adjourn.

Ruled out of order.

An appeal was taken.

The Chair was sustained; yeas, 10; nays, 2.

The question recurring to the motion to indefinitely postpone,

The yeas and nays were demanded.

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Neligh, Reeves, and Wardell—7.

Nays—Messrs. Doom, Majors, Presson, Sheldon, Stewart, and the President—6.

So it was indefinitely postponed.

Mr. Doane moved a reconsideration of the vote last taken, and that this motion lay on the table.

Mr. Presson asked that the question be divided.

Mr. Doane claimed that if the question were divided, the motion to lay on the table had the precedence.

The Chair so ruled.

The question being to lay the motion to reconsider on the table,

It was agreed to.

The Council took a recess for an hour and a half.

The Council called to order.

Mr. Sheldon moved a call of the House.

The roll called; absent, Messrs. Baumer, Doane, Doom, Freeman, Majors, and Stewart.

Mr. Wardell moved all further proceedings under the call be dispensed with.

Agreed to.

The following bills were read the third time, passed, and their titles agreed to:

House File No. 77—An act to promote the growth of forest trees.

House File No. 90—An act to restrain stock from running at large in Nemaha County.

Council File No. 94—An act to give the informer one-half of the fines recovered and collected in certain cases.

House File No. 52—An act to attach Lincoln County to the First Judicial District, and create a term of court therein.

House File No. 94—An act to locate a Territorial road from Fort Calhoun, in Washington County, to Fontenelle, in the same County.

House File No. 125—An act to change the name of L'eau-qui-Couré County to that of Emmett.

House File No. 119—Memorial and joint resolution relative to a mail route.

House File No. 97—An act to provide for canvassing votes in certain cases.

House File No. 68—An act to exempt firemen from jury, militia, and road duty.

House File No. 116—An act to amend section 34, of chapter 46, of the Revised Statutes.

House File No. 107—An act to locate a Territorial road from a point on the Steam-wagon road, in township 9, north of range 9, east of 6th principal meridian, in Otoe County, to Columbus, in Platte County.

House File No. 114—An act to amend an act on roads, chapter 47, section 14, of the Revised Statutes.

House File No. 57—An act to confirm the election of Road Supervisors and to legalize their acts.

House File No. 82—An act to amend an act on courts as found in chapter 13, section 45, of Revised Statutes.

Council File No. 58—An act for the relief of Israel Swihart.

Mr. Doom moved the rules be suspended and

House File No. 121—An act to authorize the city of Bellevue to raise money to aid in the construction of a railroad bridge across the Missouri River.

Be taken up.

Mr. Doane moved to adjourn until half-past 8 o'clock Monday.
Agreed to, and Council adjourned.

COUNCIL CHAMBER,
Monday, February 18, 1867.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called; absent, Messrs. Baumer and Doane.

Journal read and approved.

Mr. Doan, from the Committee on Judiciary reported the following bills
Without recommendation:

Council File No. 96—An act to restore to Joseph Deroin his civil rights.

House File No. 80—An act to amend chapter 18, sections 2, 3, 6, and 9
of the Revised Statutes.

House File No. 89—An act to amend an act on bonds, chapter 5, section
24 of the Revised Statutes.

House File No. 60—An act to encourage the introduction and raising of
sheep in Nebraska.

House File No. 17—An act relating to the sale and transfer of personal
property under mortgage.

House File No. 111—An act to attach certain portions of the Territory
of Nebraska to the First Judicial District.

House File No. 108—An act to amend section 1037 of chapter 11 of part
2nd of the Revised Statutes of the Territory of Nebraska, entitled, "Code of
Civil Procedure," and to repeal sections 1038, 1039, and 1040, and so much of
the provisions of said chapter as conflicts with the provisions of this act.

House File No. 103—An act declaring the legal title of the north quar-
ter of section 19, in township No 13, range 10, to be vested in M. J. Shields.

Mr. Freeman from the special committee, to whom was referred

House File No. 79—Memorial and joint resolution to Congress to locate
a new Land and Receiver's Office at Columbus, Nebraska,

Without amendment, and recommend its passage.

Mr. Presson, from the special committee, to whom was referred
House File No. 116—An act to provide an additional bounty on wolves
and wild-cats in certain Counties,

Without amendment, and recommended its passage.

Mr. Freeman, from the special committee to whom was referred
Council File No. 110—An act to restrain stock from running at large in
Monroe Precinct, Platte County, Nebraska,

Without amendment and recommend its passage.

Council File No. 111—An act making appropriation to defray the ex-
penses of the called session of the State Legislature.

Report of the committee adopted and the bill ordered engrossed for a
third reading to-day.

House File No. 104—An act to define the boundaries of certain new
Counties.

Read third time, passed and title agreed to.

Mr. Reeves, on leave, introduced

Council File No. 114—Joint resolution to pay for the preparation and
sale of Territorial bonds.

Read first time.

Rules suspended.

Read a second and third time, passed and title agreed to.

Mr. Stewart, from the Committee on Engrossed and Enrolled Bills, on
leave reported Council Files Nos. 98 and 111 correctly engrossed.

Council File No. 111—An act making an appropriation to defray the
expenses of the called session of the State Legislature of Nebraska.

Read third time, passed, and title agreed to.

Council File No. 69—Substitute—An act to provide for liens upon live
stock for their keeping.

Read third time, passed and title agreed to.

Council File No. 98—An act to incorporate the Bellevue Ferry and
Bridge Company.

Read third time, passed, and title agreed to.

Mr. Reeves, from the Committee on Finance, on leave, reported

House File No. 81—An act to provide for the apportionment of the Ter-
ritorial School funds,

That it be indefinitely postponed.

House File No. 121—A bill for an act to raise money to aid in the construction of a Railroad Bridge across the Missouri River at Bellevue in Sarpy County.

Mr. Doane offered to amend by inserting the word "Council" after the word "City" in section 3rd, 3rd line, upon which the yeas and nays were demanded:

Yeas, 7; nays, 6.

Amendment agreed to.

Mr. Doane offered an amendment to the 4th section in the first line, by striking out the word "may" and inserting the word "shall" before issuing or contracting the bonds hereinbefore provided for.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Neligh, Reeves, and Wardell—7.

Nays—Messrs. Doom, Majors, Presson, Sheldon, Stewart and Rogers—6.
Amendment carried.

Mr. Doane offered the following amendment to section 6, by adding at the end of the section:

"Provided, That the taxes to be assessed under the provisions of this act shall in no one year exceed ten (10) per cent of the taxable property of said city as appears upon the tax duplicate thereof,"

Upon which the yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Neligh—5.

Nays—Messrs. Doom, Majors, Presson, Reeves, Sheldon, Stewart, Wardell, and Rogers—8.

Amendment lost.

Mr. Rogers moved to reconsider the vote by which the amendments were adopted.

Ruled out of order, he having voted with a majority upon some of the amendments.

The bill read a third time.

The yeas and nays were demanded upon its passage:

Yeas—Messrs. Baumer, Doane, Doom, Freeman, Majors, Neligh, Presson, Reeves, Sheldon, Stewart, Wardell, and Rogers—11.

Nays—Mr. Bates.

Bill passed—title agreed to.

Mr. Rogers moved a reconsideration of the vote by which the bill passed.

Motion seconded.

Mr. Rogers asked the motion lie over until such time as he saw proper to call it up.

Agreed to.

The Council resolved itself into Committee of the Whole.

Mr. Reeves in the Chair.

After some time the Committee arose and through their Chairman reported

House File No. 81—An act to provide for the apportion of the Territorial school funds.

To be indefinitely postponed.

Mr. Stewart, on leave, from the Committee on Engrossed and Enrolled Bills reported

Council File No. 101—A bill for an act to exempt agricultural lands from taxation for city purposes, within the corporate limits of the City of Omaha,

Correctly engrossed,

Rules suspended, read a third time, passed, and title agreed to.

Mr. Doom moved the Council adjourn until 12 o'clock to-morrow.

Mr. Doane rose to a point of order: This being the last day of the session, according to law, could not adjourn without a joint resolution of both Houses.

Mr. Presson moved to adjourn until 10 minutes before 12 o'clock to-night.

Message from the Governor:

EXECUTIVE CHAMBER, OMAHA, NEBRASKA,

February 16, 1867.

Mr. President and Gentlemen of the Council:

I am instructed by the Governor to inform your honorable body, that he has approved and signed

An act relating to the custody of children in certain cases.

An act to authorize the Common Council of the city of Plattsmouth to raise money to erect a central or high-school building, and for other purposes.

An act to attach Logan Creek Precinct to Dodge County.

R. S. KNOX,

Private Secretary.

The Council adjourned until 8 o'clock P. M.

EVENING SESSION.

Council called to order.

Mr. Reeves submitted the following:

Mr. President—The committee of conference appointed to consider the amendments of the House to Council File No. 30 to which they disagreed, have had the same under consideration, and recommend that the House do recede from its amendments to said bill, as follows: To strike out of section 20 the words "forty-five" and "forty-nine," and the amendment "No. 5," section 20.

A. F. HARVEY,
D. P. ROLFE,
D. S. PARMELEE,
I. WILES,
J. E. KELLEY,
W. A. PRESSON,
MILLS S. REEVES.

Message from the House:

HOUSE OF REPRESENTATIVES,
February 18, 1867. }

Mr. President—The House has passed bills of the following titles, viz.:

Council File No. 111—An act making appropriations to pay the expenses of the called session of the State Legislature of Nebraska.

Council File No. 101—An act to exempt agricultural lands from taxation for city purposes, within the corporate limits of the city of Omaha.

Council File No. 114—Joint resolution to pay for the preparation and sale of Territorial bonds.

Council File No. 99—Joint resolution for the relief of Geo. W. Doane.

Council File No. 113—A bill for an act making appropriation for the support of convicts.

Council File No. 97—An act to prescribe forms to be used by Justices of the Peace in criminal cases, and for other purposes.

Council File No. 69 (substitute)—An act to provide for liens upon live stock for their keeping.

Council File No. 58—An act for the relief of Israel Swihart, Sheriff of Washington County.

House File No. 131—Joint resolution and memorial relating to Nebraska volunteers in the United States service.

Council File No. 106—An act to authorize William D. Brown, his associates or assigns to erect and keep a mill-dam across the Elkhorn River, in Washington County, Nebraska.

Council File No. 91—A bill for an act to legalize the organization of Saline County, and for other purposes.

Council File No. 61—A bill for an act for the relief of S. B. Harrington.

Council File No. 100—An act to restrain stock from running at large in Stanton County.

Council File No. 103—Joint resolution in relation to the Legislative rolls.

Council File No. 95—An act to amend an act entitled "an act to repeal an act to change the location of a Territorial road leading from St. Stephens to a point on the military road from Leavenworth to Fort Kearney."

Council File No. 112—A bill for an act to amend an act to incorporate the South Nebraska Railroad Company.

Without amendment.

JOHN S. BOWEN,
Chief Clerk.

Mr. Rogers renewed his motion to reconsider the vote by which

House File No. 121—A bill for an act to authorize the city of Bellevue, in Sarpy County, to raise money to aid in the construction of a railroad bridge across the Missouri River;

Passed:

Motion carried.

The bill amended, read first, second, and third time, passed, and title agreed to.

Message from the House:

HOUSE OF REPRESENTATIVES,
February 18, 1867. }

Mr. President—The House has passed bills of the following titles, to-wit:

Council File No. 41—An act to allow salaries to Judges of Probate.

Council File No. 64—An act to incorporate Fire Engine Company No. 1 at Omaha.

Council File No. 76—A bill for an act to authorize D. C. Saunders to erect and keep a mill-dam across the Nemaha River, in Nemaha County, Nebraska.

Council File No. 81—A bill for an act to amend section 5, chapter 55, part 1, of the Revised Statutes.

Council File No. 83—An act for the location of a Territorial road from Iona, Dixon County, to the mouth of the Humbug, in Stanton County.

Council File No. 89 (substitute)—An act to authorize the County Commissioners of the several Counties in Nebraska to purchase lands for their Counties, at tax sales.

Council File No. 71—An act to provide for the payment of judgments recovered against municipal corporations.

Council File No. 90—An act to authorize the County Commissioners of Nemaha County to grant or withhold licenses for the sale of malt, spirituous or vinous liquors outside the towns and cities now incorporated by law.

Council File No. 109—An act to incorporate the Fremont Ferry and Bridge Company.

Council File No. 98—An act to incorporate the Bellevue Ferry and Bridge Company.

Without amendment.

JOHN S. BOWEN,
Chief Clerk.

Mr. President—The Governor of the Territory has notified the House that he did on this day, approve and sign bills of the following titles, to-wit:

House File No. 48—An act to incorporate the Forest City, Salt Creek and Elkhorn Ferry Company.

House File No. 84—An act to locate a Territorial road from the north line of Gage County, up the valley of the Big Blue River, to Columbus, in Platte County.

House File No. 86—An act to define the limits of Clay, Webster, Hamilton, Adams, and Franklin Counties.

House File No. 58—An act to amend section 3rd of an act to incorporate the Omaha Insurance Company.

House File No. 66—Memorial and joint resolution relative to a mail route from St. Johns, Iowa, to Fremont, Nebraska.

House File No. 76—An act to incorporate a ferry on the Missouri River at Rock Bluff, Nebraska.

House File No. 28—An act to incorporate the Nebraska Mining and Manufacturing Company.

House File No. 96—An act to restrain stock from running at large during the night time, in Johnson County, Nebraska.

House File No. 91—An act to repeal so much of an act, approved February 12, 1866, entitled "an act to restrain stock from running at large in Plattsford and Forest City Precincts, Sarpy County, Nebraska," as relates to Plattsford Precinct.

Message from the House:

HOUSE OF REPRESENTATIVES,

February 18, 1867. }

Mr. President—The House has indefinitely postponed bills of the following titles, viz.:

Council File No. 92—Memorial and joint resolution relative to the Burlington and Missouri River Railroad land grant.

Council File No. 94—An act to give the informer one-half of the fines recovered and collected in certain cases.

The House has agreed to the report of the committee of conference on

Council File No. 30—A bill for an act to amend chapter 46 of the Revised Statutes, entitled "revenue,"

And have receded from their amendments to said bill.

JOHN S. BOWEN,

Chief Clerk.

House File No. 79—Memorial and joint resolution to Congress to locate a new land office in Columbus, Nebraska Territory,

Amended, read third time, passed, and title agreed to.

House File No. 103—An act declaring the legal title of the north-east quarter of section 19, in township No. 13, range to be vested in M. J. Shields, Indefinitely postponed.

Council File No. 110—An act to restrain stock from running at large in Monroe Precinct, Platte County, Nebraska,

Read third time, passed, and title agreed to.

House File No. 111—An act to attach certain portions of the Territory of Nebraska to the First Judicial District of said Territory, Indefinitely postponed.

House File No. 131—Joint resolution and memorial relating to Nebraska volunteers in the United States service,

Read first time, rules suspended, read a second and third time, passed, and title agreed to.

House File No. 97—An act to provide for canvassing votes in certain cases,

Amended, read third time, passed, and title agreed to.

House File No. 17—An act relating to the sale and transfer of personal property under mortgage,

Amended, rules suspended, read third time, passed, and title agreed to.

House File No. 108—An act to amend section 1037, of chapter 11, of part 2, of the Revised Statutes of the Territory, entitled "code of civil procedure," and to repeal sections 1038, 1039, 1040, and so much of the provisions of said chapter as conflicts with the provisions of this act,

Indefinitely postponed.

Mr. Stewart, on leave, from the Committee on Counties, reported

House File No. 105—An act to change the boundary lines of Hall and Merrick Counties.

Also,

House File No. 130—An act for the location of the County-seat of Hall County by a vote of the people,

Without recommendation.

Also, from the Committee on Expenditures,

House File No. 40—An act to provide for a geological survey of Nebraska,

And recommend its indefinite postponement.

A. S. STEWART, *Chairman.*

House File No. 60—An act to encourage the introduction and raising of sheep and Nebraska,

Indefinitely postponed.

House File No. 89—An act to amend an act on bonds, chapter 8, section 24, of the Revised Statutes of Nebraska Territory,

Indefinitely postponed.

House File No. 80—An act to amend chapter 18, sections 2, 3, 6, and 9, of the Revised Statutes,

Indefinitely postponed.

House File No. 82—An act to organize the township of Richland in the County of Washington.

Rules suspended, read third time, passed; and title agreed to.

House File No. 81—An act to provide for the apportionment of the Territorial school fund,

Indefinitely postponed.

House File No. —An act to provide for an additional bounty on wolves and wild-cats in certain Counties,

Read third time, passed, and title agreed to.

Message from the House:

HOUSE OF REPRESENTATIVES,

February 18, 1867.

Mr. President—The House has passed bills of the House of the following titles, viz.:

House File No. 88—A bill for an act to promote the building of horse railways in the city of Omaha.

House File No. 128—An act making appropriations for Legislative expenses, and for other purposes, for the year 1867.

Also, bills of the Council of the following titles, to-wit:

Council File No. 87—A bill for an act to authorize the city of Omaha to raise one hundred thousand dollars to secure a railroad bridge across the Missouri River at Omaha.

Council File No. 1—An act to incorporate the Platte River Bridge Company.

Council File No. 70—An act to incorporate the Interior Mining and Manufacturing Company.

Council File No. 86—An act to authorize the County Commissioners of Otoe and Douglas Counties to appoint Superintendents of Public Buildings.

JOHN S. BOWEN,

Chief Clerk.

House File No. 130—An act for the location of the County-seat of Hall County by a vote of the people,

Indefinitely postponed.

House File No. 110—An act to amend section 48 of the Revised Statutes, entitled "schools."

Moved and seconded the bill be indefinitely postponed, upon which the yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Presson, Reeves, Stewart, and Wardell—8.

Nays—Messrs. Doom, Majors, Neligh, Sheldon, and Rogers—5.

Indefinitely postponed.

Council File No. 96—An act to restore Joseph Deroin his civil rights.

Rules suspended, read third time, passed, and title agreed to.

Council File No. 104—A bill for an act to provide for the payment of certain bonds issued by the city of Omaha.

Rules suspended, read a third time, passed, and title agreed to.

Council File No. 57—A bill for an act to locate the Penitentiary of Nebraska.

Mr. Doane offered a substitute bill.

Mr. Wardell moved the bill, or substitute, be indefinitely postponed.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Freeman, Majors, Reeves, Stewart, and Wardell—7,

Nays—Messrs. Doane, Doom, Neligh, Presson, Sheldon, and Rogers—6.

Motion carried and the bill indefinitely postponed.

Message from the House:

HOUSE OF REPRESENTATIVES,
February 18, 1867.

Mr. President—The House has passed bills of the following titles, to-wit:
House File No. 87—An act for an appropriation for the relief of certain citizens of Sarpy County.

House File No. 99—An act in aid of the Deaf and Dumb Institute.

Also,

Council File No. 49—An act to incorporate the Nebraska City and Fort Riley Railroad and Telegraph Company.

Council File No. 36—A bill for an act to restrain swine from running at large in Nebraska.

Council File No. 5—An act to protect settlers on lands in Nebraska Territory.

With amendments.

In which I am directed to ask the concurrence of the Council.

JOHN S. BOWEN,
Chief Clerk.

Message from the House:

HOUSE OF REPRESENTATIVES,
February 18, 1867.

Mr. President—The House has concurred in the amendments of the Council to bills of the House of the following titles, viz.:

House File No. 121—An act to authorize the city of Bellevue, in Sarpy County to raise money to aid in the construction of a railroad bridge across the Missouri River.

House File No. 57—An act to confirm the election of Road Supervisors and to legalize their acts.

House File No. 97—An act to provide for canvassing votes in certain cases.

House File No. 17—An act relating to the sale and transfer of personal property under mortgage.

The House has passed a bill of the Council of the following titles, viz.:
 Council File No. 110—An act to restrain stock from running at large in Monroe Precinct, Platte County,"

Without amendment.

JOHN S. BOWEN,

Chief Clerk.

House File No. 128—An act making an appropriation for Legislative expenses, and for other purposes, for the year 1867.

Read first time, rules suspended, read a second time by its title.

Mr. Baumer offered the following amendment:

"The further sum of ten thousand dollars is also hereby appropriated to be expended by the Board of Immigration, for the objects specified in the act creating a Board of Immigration, approved February 12, 1866, and for the establishment of such other agencies in Europe as well as in the United States and Canadas, as the Board may appoint, authority being hereby given to such Board to appoint agents at such places, and possessed of such qualifications, and under such compensation as the Board may determine."

Amendment lost.

Mr. Reeves moved that part which refers to the translating and printing of the Governor's Message in the Scandinavian language, be stricken out.

Motion carried.

Amendment agreed to.

Mr. Presson moved to reconsider the vote by which the motion was carried.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Presson, Reeves, Sheldon, and Wardell—8.

Nays—Messrs. Doom, Majors, Neligh, and Stewart—4.

The question recurring upon striking out that part referring to the translation and printing of the Governor's Message in the Scandinavian language,

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Reeves, and Wardell—6.

Nays—Messrs. Doom, Majors, Neligh, Presson, Sheldon, Stewart, and Rogers—7.

Amendment lost.

Amendment offered to strike out that part referring to the allowance of \$303.76 to D. O'Hanlin.

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Reeves, Sheldon, Stewart, and Wardell—6.

Nays—Messrs. Bates, Doane, Freeman, Neligh, and Presson—5.

Amendment agreed to.

Amendment offered to strike out that clause which allows Harry P. Deuel \$75,00, for arranging and writing the State Consitution of Nebraska.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doom, Freeman, Majors, Presson, Reeves, Sheldon, Stewart, and Wardell—10.

Nays—Messrs. Doane and Neligh—2.

Amendment agreed to.

Upon motion of Mr. Stewart the bill was amended by \$50,00 to the item for additional Engrossing and Enrolling Clerk hire, making it \$250,00.

And also by striking out the \$2,000 for the support of convicts, such appropriation having already been made.

The bill read a third time, passed, and title agreed to.

Message from the Governor:

EXECUTIVE CHAMBER OMAHA, NEBRASKA,
February 18th, 1867. }

Mr. President and Gentlemen of the Council:

I am instructed by the Governor to inform your honorable body, that he has approved and signed,

“An act amendatory to the various acts incorporating the City of Platts-mouth,”

“Joint resolution authorizing the Secretary of the Territory to correct the roll of the Statutes,”

“An act to amend an act to incorporate the South Nebraska Railroad Company,”

“An act making appropriation for the support of convicts for the current year,”

“An act to authorize the city of Omaha to raise one hundred thousand dollar to secure a Railroad bridge across the Missouri River at Omaha.”

“An act to allow salaries to Judges of Probate.”

“An act to authorize the County Commissioners of Nemaha County to grant or withhold licences for the sale of malt, spirituous or vinous liquors, outside of towns or cities now incorporated by law.”

“Joint resolution for the relief of Geo. W. Doane.”

• "An act to prescribe forms to be used by Justices of the Peace in criminal cases, and to provide a uniform system of empanneling juries in criminal cases.

R. S. KNOX,

Private Secretary.

Message from the House :

HOUSE OF REPRESENTATIVES,

February 18th, 1867. }

Mr. President—The House has passed bills of the following titles, viz.:

Council File No. 59—An act to provide for the election of Supervisors and to further define their duties.

Without amendment.

Council File No. 86—A bill for an act to provide for the election of Supervisors and to further define their duties.

Without amendment.

Council File No. 86—A bill for an act to provide for a County Assessor in each of the Counties of Richardson, Gage, Stanton and Madison.

With amendments.

Also,

House File No. 126—An act to vacate the streets and alleys in Walnut Grove Cemetery, in Brownville, Nebraska.

House File No. 24—An act to incorporate the Saint George Society of Omaha, Nebraska.

House File No. 100—An act to Incorporate the South Platte Bridge and Ferry Company.

In which I am directed to ask the concurrence of the Council.

JOHN S. BOWEN,

Chief Clerk.

Council File No. 5—An act to protect settlers on lands in Nebraska.

Mr. Presson moved the Council concur in the amendments of the House.

The yeas and nays were demanded.

Yeas—Messrs. Baumer, Doane, Doom, Freeman, Majors, Neligh, Presson, Reeves, Sheldon, Stewart and Wardell—11.

Nays—none.

Mr. Stewart presented the following:

Resolved by the Council and House of Representatives of the Territory of Nebraska, That the twelfth (12) session of the Legislative Assembly of the Territory of Nebraska will adjourn on Monday, this the 18th day of February, A. D., 1867, at 12 o'clock, midnight.

Resolution adopted.

House File No. 88—A bill for an act to promote the building of Horse Railways in the City of Omaha.

Mr. Majors moved to insert after the name of Frank Coffman the name of David Butler, as one of the Incorporators.

The yeas and nays were demanded:

Yeas—Messrs. Baumer, Doom, Majors, Freeman, Neligh, Presson, Reeves, Sheldon, Stewart, and Wardell—10.

Nays—Messrs. Bates and Doane—2.

Amendment agreed to.

Mr. Majors moved to strike out the name of G. W. Frost wherever it occurs in the bill.

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Presson, Sheldon, and Stewart—5.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Neligh, Reeves, Wardell, and Rogers—8.

Amendment lost.

Mr. Reeves moved to amend by inserting the name of J. G. Megeath.

The yeas and nays were demanded:

Yeas Messrs Bates, Freeman Neligh Reeves and Wardell 5.

Nays—Messrs. Doane, Doom, Majors, Presson, Sheldon and Stewart—6.

Amendment lost.

Mr. Reeves moved to amend by inserting the name of A. J. Hanscom.

The yeas and nays were demanded:

Yeas—Messrs. Doom, Freeman, Reeves, Sheldon, Stewart, Wardell, and Rogers—7.

Nays—Messrs. Bates, Baumer, Doane, Majors, Neligh, and Presson—6.

Amendment agreed to.

Mr. Sheldon offered the following amendment:

"This charter may be amended whenever the Legislature of the Territory of Nebraska shall see proper."

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doom, Majors, Sheldon, Stewart, and Rogers—7.

Nays—Messrs. Doane, Freeman, Neligh, Presson, Reeves and Wardell—6.
Amendment agreed to.

The bill read a third time.

The yeas and nays were demanded upon its passage:

Yeas—Messrs. Bates, Baumer, Doane, Doom, Freeman, Majors, Neligh, Presson, Reeves, Wardell, and Rogers—11.

Nays—Mr. Sheldon—1.

Bill passed and title agreed to.

Mr. Majors moved to reconsider the vote by which the bill passed.

Mr. Doane moved to lay the motion on the table.

The yeas and nays were demanded:

Yeas Messrs. Bates Baumer, Doane, Doom, Freeman, Neligh, Presson, Reeves, Stewart, and Wardell—10.

Nays—Mr. Sheldon—1.

Motion carried.

House File No. 87—An act for an appropriation for the relief of certain citizens in Sarpy County, Nebraska.

Read first time.

Rules suspended, read second and third time, passed, and title agreed to.

Message from the House:

HOUSE OF REPRESENTATIVES,
February 18, 1867.

Mr. President—The House has passed

Council File No. 96—An act to restore to Joseph Deroin his civil rights.

I am also instructed to inform the Council that the House has concurred in the 1st, 2nd, and 4th amendments and non-concurrence in the 3rd amendment of the Council to

House File No. 128—An act making appropriations for Legislative expenses and for other purposes for the year 1867.

The house has appointed Messrs. Harvey, Fuller, Crow, and Curran a committee of Conference on said bill.

Moved a committee be appointed to confer with the committee on the part of the House on said bill.

Agreed to.

Messrs. Bates and Doom were appointed.

To the President and Gentlemen of the Council:—I return herewith without my signature the bill entitled "an act to exempt agricultural lands from taxation for city purposes within the corporate limits of Omaha City."

This bill provides that such lands within the corporate limits of the city as are not laid out into lots, streets and alleys, but are enclosed and used solely for agricultural purposes shall not be subject to city taxes. That the city limits are large, too large perhaps, I am ready to admit and if the bill providing only for exempting the lands that lie in the outskirts or outer limits of the city there would be some good reason for exempting them from city tax. But this bill makes no exception and is land lying within four blocks of the Court House, which from its proximity to the business portion of the city, is made to be worth its hundreds of dollars per acre, and is by this bill exempt from city tax; nor is this an isolated case, for there must be at least two hundred acres of other lands exempt that are within the old city boundaries and which have for years been recognized as a part of the city.

These lands are all made the more valuable by the increased improvements in the city, and I can see no good reason why they should not be required to pay some of the expenses of the city, which gives it its great value.

There are other objections to this bill, but the foregoing are sufficient to prevent me from approving the bill.

ALVIN SAUNDERS.

House File No. 99—An act in aid of the Deaf and Dumb Institute.

On motion to indefinitely postpone.

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Presson, Reeves, Sheldon, Stewart, and Wardell—7.

Nays—Messrs. Bates, Baumer, Doane, Freeman, Neligh, and President—6.

So it was agreed to.

Mr. Bates moved to reconsider the vote by which

Council File No. 57—An act to locate the penitentiary,

Was postponed.

Mr. Wardell moved to lay the motion on the table.

The yeas and nays were demanded:

Yeas—Messrs. Doom, Majors, Presson, Reeves, Sheldon, Stewart, and Wardell—7.

Nays—Messrs. Bates, Baumer, Doane, Neligh, and the President—6

So it was laid on the table.

Mr. Stewart from the Committee on Enrolled bills reported Council Files No. 95, 87, 103, 97, 69, 101, 100, 64, 99, 41, 111, 61, 114, 99, 66, 76, 30, 81, 71, 1, 59, 117, 98, and 88 properly enrolled, signed and endorsed, and presented to the Governor for his approval, at 11 o'clock P. M. this 18th inst.

Council File, No. 86—An act to provide a County Assessor in each of the Counties of Gage, Stanton and Madison.

Amendment of the House concurred in.

Message from the House, by Mr. Bowen, its Chief Clerk.

Mr. President—The House has passed a bill of the following title, viz.:

House File No. 83—An act to further define the qualifications of voters and to prevent certain persons holding office in the Territory of Nebraska.

In which I am directed to ask the concurrence of the Council.

Message from the Governor:

Mr. President and Gentlemen of the Council—I am instructed by the Governor to inform your honorable body that he has approved and signed

An act to vacate the streets and alleys in Walnut Grove Cemetery in Brownville, Nebraska.

An act to incorporate the Nebraska City and Fort Riley Railroad and Telegraph Company.

An act to restrain swine from running at large within the limits of the Territory of Nebraska.

An act to provide for a County Assessor in each of the Counties of Gage, Stanton and Madison.

R. S. KNOX,

Private Secretary.

Mr. Presson, on leave presented the following resolution:

To appropriate \$5,000, for the Emigration Society.

Read first time.

Presson moved the rules be suspended, read a second and third time, and put upon its passage.

The yeas and nays were demanded:

Yeas—Messrs. Bates, Baumer, Doane, Freeman, Majors, Neligh, Presson—7.

Nays—Messrs. Reeves, Sheldon, Stewart and Wardell—4

It taking two thirds to suspend the rules the motion was lost.

Council File No. 49—An act to incorporate the Nebraska City and Fort Riley Railroad and Telegraph Company.

Council concur in the amendments of the House.

Council File No. 36—An act to restrain swine from running at large in Nebraska.

Amendments of the House concurred in.

House File No. 126—An act to vacate the streets and alleys in Walnut Grove Cemetery in Brownville, Nebraska.

Read first time, rules suspended, read a second and third time, passed, and title agreed to.

House File No. 105—Indefinitely postponed.

Message from the Governor:

EXECUTIVE CHAMBER, OMAHA, NEBRASKA,
February 18, 1867. }

Mr. President and Gentlemen of the Council:

I am instructed by the Governor to inform your honorable body that he has approved and signed

An act to restrain stock from running at large in Stanton County.

An act to provide for liens upon live stock for their keeping.

An act to amend an act entitled "an act for the location of a Territorial road leading from St. Stephens to a point on the military road from Leavenworth to Fort Kearney," approved February 7, 1867.

An act for the relief of Israel Swihart, Sheriff of Washington County.

An act to authorize William D. Brown to erect and keep a mill-dam across the Elkhorn River.

An act to incorporate the Fire Engine Company No. 1, of Omaha City.

An act for the relief of S. B. Harrington.

Joint resolution to pay for the preparation and sale of Territorial bonds.

An act making appropriation to defray the expenses of the called session of the State Legislature, to be convened by the Territorial Governor under an act entitled "an act for the admission of the State of Nebraska into the Union."

An act to restrain stock from running at large in Monroe Precinct, Platte County.

An act to incorporate the Interior Mining and Manufacturing Company.

An act to provide for the payment of judgment recovered against municipal corporations.

- An act to restore to Joseph Deroin his civil rights.
- An act to legalize the organization of Saline County, and for other purposes.
- An act to provide for the payment of certain bonds issued by the city of Omaha.
- An act to incorporate the Platte River Bridge Company.
- An act for the location of a Territorial road from Iona, Dixon County, Nebraska Territory, to the mouth of the Hamburg, in Stanton County, Nebraska Territory.
- An act to amend section 5, of chapter, 55, of part 1, of the Revised Statutes.
- An act to incorporate the Fremont Bridge Company.
- An act to authorize the County Commissioners of the several Counties of Nebraska to purchase lands for their respective Counties, at tax sales.
- An act to protect settlers on lands in Nebraska.

R. S. KNOX,
Private Secretary.

The committee appointed to confer with the House committee upon House File No, 128, report the House has receded from their non-concurrence to the 3rd amendment to said bill, made by the Council.

Message from the House, by Mr. Bowen, its Chief Clerk :

Mr. President—The House has passed a bill of the following title, viz. :

Council File No. 4—An act to provide for the payment of certain bonds issued by the city of Omaha,

Without amendment.

The House has concurred in the amendments of the Council to

House File No. 88—An act to promote the building of horse railways in the city of Omaha.

The House has concurred in the joint resolution to adjourn *sine die* at 12 o'clock to-night.

The following resolutions were unanimously adopted :

Resolved, That the thanks of this Council are due and are hereby tendered to Hon. E. H. Rogers, President of the Council, for the able, courteous, and impartial manner with which he has discharged his duties as presiding officer of this body during the present session.

Resolved, That O. B. Hewett, Chief Clerk, L. L. Holbrook, Assistant Clerk, and the Rev. W. B. Slaughter, Chaplain, are entitled to the thanks of the Council for the gentlemanly, efficient, and prompt manner in which they have discharged their duties during this session.

MONDAY, FEBRUARY 18, 1867.

Resolved, That the thanks of this Council be and the same are hereby tendered to Hon. A. S. Paddock, Secretary of the Territory, for his uniform courtesy and kindness extended to the members of this body in his official communications with the members thereof.

Resolved, That the thanks of this Council are hereby tendered to E. A. Kirkpatrick, Sergeant-at-Arms, J. C. Ambrose, Engrossing Clerk, J. J. McLean, Enrolling Clerk, John Cadman, Doorkeeper, K. Neilson, Fireman, Masters Herbert, Thayer, and Willie Hynes, Pages of the Council, for the faithful manner in which they have discharged the duties of their respective offices.

The hour of 12 o'clock having arrived, being the hour agreed upon by joint resolution of the House and Council to adjourn, the Council adjourned *sine die*.

O. B. HEWETT,

Chief Clerk.

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